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Senate

The Senate met at 10 a.m. and was called to order by the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Savior, who promised to never forsake us, be a shield for this land we love. As flags fly at half staff in remembrance of the victims of yesterday's Washington Navy Yard shooting, teach us to use wisely all the time You give us. Show Your mighty power during seasons of distress, transforming negatives into positives and dark yesterdays into bright tomorrows.

Today, guide our lawmakers, inspiring them in their going out and coming in, as You give them the wisdom to labor not simply for time but for eternity. Lord, bless us all with strength of will, steadiness of purpose, and power to persevere.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDING OFFICER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 17, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. MARKEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER FOR MOMENT OF SILENCE

Mr. REID. Mr. President, I wish we could do more, but I ask unanimous consent that the Senate now observe a moment of silence in honor of the victims of the tragedy at the Navy Yard and those killed and those suffering from the wounds inflicted on that terrible day, yesterday, that occurred not far from the Capitol.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Moment of silence.)

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that at 11:30 a.m., the Senate proceed to executive session under the previous order to consider the Campbell-Smith and Kaplan nominations, both nominees to the Federal Claims Court; further, that following the disposition of those nominees, the Senate recess until 2:15 this afternoon to allow for the weekly caucus meetings; and, finally, that at 2:15, the Senate resume consideration of S. 1392, the Energy Savings and Industrial Competitiveness Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. We are trying to come up with a finite list of amendments to move forward on that legislation. We hope that, in fact, can happen.

It is my understanding Senator VITTER has an amendment he wants to offer. He has been on the floor a few times during the time we have been in session. We would have an amendment, or second-degree side-by-side, to his amendment. In order to do that, we have to have a finite list of amendments. We can't go on with unrelated amendments forever on this bill. So there will be one rollcall vote and we hope to vote on energy efficiency amendments whenever there is an agreement that can be made.

NAVY YARD TRAGEDY

Mr. REID. Mr. President, there are no words that can ease the pain of the rampage and certainly the deaths involving a dozen human beings who were killed yesterday at the Navy Yard. I hope it is some small comfort that this city, this institution, the U.S. Senate, and a whole Nation, mourn alongside them. To my knowledge, there is no explanation for the violence that occurred yesterday. My thoughts are with those who are suffering as a result of the loss of their loved ones as well as those people who are recovering from their wounds, and some of them are very serious. We wish them a speedy recovery. My heart goes out to all of the 16,000 military and civilian employees who work at the Navy Yard complex, as well as their friends and family members who were affected by this tragedy.

It was only a few days ago—and the Presiding Officer was here on that occasion also—when we as Members of Congress marked the anniversary of September 11, 2001, during a ceremony on the steps of the Capitol. We had a moment of silence here in the Senate. Yesterday's shootings were the worst loss of life in the Capitol region since those September 11, 2011, attacks which were centered around the Pentagon.

Last week's significant anniversary and yesterday's terrible violence are a reminder that life is fragile and precious. They are a reminder of the debt we owe to those who protect our freedom and our safety, whether they serve in the military or as first responders. The Sergeant at Arms, who is responsible for our safety, was certainly on the job yesterday. He is a dedicated police officer. That is his goal. I still refer to him as Chief Gainer. He was chief of the Capitol Police force before he took responsibility as the Sergeant at Arms of the Senate. He has been a street officer for a long time. He could have done other things—he has a law degree; he is a well-educated man—but his responsibility is to take care of the Senate, and he does that very well.

I appreciate very much—I speak for the entire Senate—those dedicated police, fire, and rescue personnel who put their lives on the line to prevent a lot more loss of life on Monday. In particular, the city owes a debt of gratitude to a K–9 officer, a 24-year veteran of the Metropolitan Police force, a man by the name of Scott Williams who was hurt very badly in the shootings. I wish him a full recovery and thank him for his selflessness.

AFFORDABLE CARE ACT

Mr. REID. Mr. President, we have to return to the business at hand. Since the moment President Obama signed the Affordable Care Act, making it the law of the land and ensuring every American has access to quality health insurance at a price they can afford, Republicans have been on an absurd quest to undo this progress.

Republican Members of Congress were horrified when the U.S. Supreme Court said the law we call ''ObamaCare''—the Affordable Care Act—is constitutional. That is what the Supreme Court said. In spite of this being the law of the land—and it is the law of the land—House Republicans alone have voted more than 40 times to repeal ObamaCare and are now threatening to shut down the entire government unless this Congress denies funding to implement this very constitutional law.

Under ObamaCare, Members of Congress and their staffs will be covered by exactly the same plans that will extend health insurance to millions of Americans next year. Five hundred thirty-five Members of Congress and 16,000 staff members are treated the same as other employees across America under the law. They are treated that way under ObamaCare, and rightfully so. Just as 150 million other Americans who get their health insurance through their jobs; that is, their employer, the Federal Government will share a part of the cost of that health care for us, for the 16,000 who work in the Capitol complex—as it has for all Federal employees for many decades. These are the people in Carson City, NV, Reno, NV, and Las Vegas, NV, who answer the phones and help people with problems involving Social Security, veterans' benefits, whether they can be buried at the beautiful cemetery we have in Fernley for veterans or the one in Boulder City where every day we bury lots and lots of people who are veterans.

These are the sorts of inquiries we get around the State of Nevada, and people work long hard hours to respond to those requests. They are dedicated public servants. That is to whom the junior Senator from Louisiana said, No thanks; they are not entitled to anything as far as being treated as everybody else is treated.

Even more directly to the point, Members of Congress and our staffs will live by the same rules and get their health care from the same exchanges as other Americans. But the junior Senator from Louisiana, I repeat, and a number of other misguided Republicans want to force Members of Congress and their staffs to live by a different set of rules. Although Senator VITTER has happily allowed the Federal Government to pay for a portion of his health insurance for many years as a Member of the House of Representatives and as a Member of the Senate, now he wants these 16,000 congressional workers to cover the full cost of health insurance.

With this background, one must ask: If Senator VITTER opposes the employer contribution for congressional staffers, does he oppose it also for the 150 million other Americans whose employers help pay their health insurance premiums? Does he want to discourage private employers from doing the right thing and providing their employees with affordable health insurance coverage? Is it what he wants, to do away with the insurance 150 million Americans have in America? Millions, I repeat, millions and millions of employers rely on this important benefit to attract the best and brightest and hardest working people they can find. Ending the employer contribution would effectively slap 150 million Americans with a big pay cut. Is that Senator VITTER's intention?

If Republican Senators believe they should bear the full cost of their own health insurance, they can, without any change in the law, decline Federal Government support in contributions and pay their own way. They can even encourage their own staffs to do so. Why they would want to do that, I don't understand, but they could do it. But for Senator VITTER and his Republican allies to end the contribution for 16,000 hard-working Federal employees—even after years of accepting the subsidy themselves—is hypocritical and mean-spirited.

In truth, this is only the latest Republican aim to derail the successful implementation of ObamaCare. Last November there was a big poll taken—it is called an election—where Americans overwhelmingly voted to reelect President Obama and to keep ObamaCare as the law of the land. That was the issue of the campaign. Who won that? The American people won, and President Obama won. As for ObamaCare—the constitutional law of the land—the American people said, Let's go ahead and do it. Americans have spoken very loudly and very clearly. It is time to move on to something else. It is the law and has been.

On October 1, about 25 million Americans who have no health insurance will—for the first time, most of them in their entire lifetime—be able to get insurance. What we have found in New York alone is that the insurance is going to save 50 percent of what it did before—it is 50 percent cheaper. In Nevada it is cheaper. It is the way it is all over the country.

According to the voters and according to the Supreme Court of the United States of America, ObamaCare is the law of the land. It is time for Republicans to mature—I guess you could say it a different way: to grow up—and recognize this is the law in America and has been for years. It is time for Republicans to stop denying reality.

The Senate should be passing other legislation. We should be passing an energy efficiency bill that will save taxpayers money, creating good-paying jobs—we need that—rebuilding roads and bridges. I have said here before 70,000 bridges are in a state of disrepair. Yesterday a report came out that 8,000 of them are near collapse—8,000. We are not spending money to take care of that problem. Our highways, our roads, our dams need money. This is not money that goes to the Federal Government so you can have a truck that says: Federal Government building a road or fixing a dam. The money goes to the private sector. That is what we should be doing. For every $1 billion we spend doing something about the highways, bridges, roads, dams, water systems, sewer systems, we create 47,500 high-paying jobs, and thousands of other jobs spin off from that. That is what we should be doing.

We should be facing the reality of climate change. Look what happened in Colorado. I talked to Senator BENNET yesterday. He said the floods were Biblical. In one part of Colorado, it rained 12 inches in 2 hours. I cannot imagine that. Fires all over the West. Climate change is here. I met with the Foreign Minister of Bangladesh. They do not know what they are going to do with the rise of the sea which is taking place. In that country there is no high ground. It is that way all over the

world. The Marshall Islands—a thousand islands make up the Marshall Islands—55,000 people live there. These islands are being washed away with the new waves they have never seen before.

Climate change is here. We are doing nothing about it. They are spending all of our time, the American taxpayers' time, trying to repeal a law that has been in effect for 4 years.

We should be doing something about immigration reform. They talk about wanting to do something for the economy. Try passing immigration reform. It creates to the positive $1 trillion. It would reduce our debt by $1 trillion. Let's do that. Let's fix our broken tax system.

We should be doing those things, not relitigating 4-year-old policy battles. But instead of working with Democrats to effectively implement ObamaCare or to pass new laws that benefit middle-class families, Republicans are obsessed with fighting a real old battle, and they are doing it at taxpayer expense.

Instead of standing with millions of Americans who are already benefiting from ObamaCare, Republicans are standing with insurance companies that would return us to a time when profits came before people. That is the way it works.

Since President Obama signed the Affordable Care Act into law, insurance companies can no longer discriminate against children with preexisting conditions. That is a good deal. If you have a child with diabetes, that boy or girl cannot be denied insurance. If they have epilepsy, they cannot be denied insurance. And in a short few months all Americans will no longer be able to be denied insurance coverage because of a preexisting illness. They can no longer raise your rates for no reason. They can no longer drop your coverage if you get sick. That is the law today.

Today children can no longer be denied insurance, as I have indicated, because they are born with a disease or a disability. And that, I repeat, will soon be extended to all Americans no matter their age. And listen to this one: Very soon being a woman will no longer be considered a preexisting condition, as it was before ObamaCare passed.

In my relatively sparsely populated State of Nevada, tens of thousands of seniors have saved tens of millions of dollars on medicines because the Affordable Care Act has helped close the gap on prescription drug coverage.

More than 3 million young people, including 33,000 young Nevadans, have been able to stay on their parents' health policies until they are 26 years old—3 million. Hundreds of thousands of businesses that already offer their employees health insurance are getting tax credits for doing the right thing.

In a few months almost 130 million Americans with preexisting conditions—and what are some of these preexisting conditions; I talked about it generally a minute ago: high blood pressure, all kinds of things that happen as you get older—will have access to reasonably priced coverage, no matter their high blood pressure or their heart condition or whatever the situation might be. And 25 million Americans who cannot afford health insurance today will be offered health insurance through the exchanges.

Republicans have been trying for years to erase these gains and force millions of American families once again to rely on the most expensive care in America today, which is where? It is emergency rooms. Hospitals hate it because their bad debt goes up, and all it does is drive up the cost of insurance. The care is not as good as it would be if they could go when they first get sick. They go there out of desperation, and that is what I assume the Republicans want everyone to do. Everyone can go to an emergency room, but it is so expensive and does not do the trick.

So punishing hard-working congressional staff, who put in long hours because they believe in public service—that is, the work we do here in Congress—will not roll back the benefits of ObamaCare. Punishing congressional staffers will not prevent millions of Americans from gaining the health insurance they need and deserve next year. But it will hurt thousands of men and women, including Senator VITTER's colleagues and his own staff.

Instead of willfully denying that ObamaCare is the law or purposely trying to derail its implementation, it is time for Senator VITTER to help us improve the law of the land and ensure every American has access to the kind of care Members of Congress enjoy already, as do 150 million other Americans who get health care through their employers.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

NAVY YARD TRAGEDY

Mr. MCCONNELL. Mr. President, this morning all of us are thinking about yesterday's tragic events at the Navy Yard, and we are also thinking, in particular, of the brave men and women of our military and the sacrifices they make day in and day out on our behalf.

Once again I would like to extend condolences to the families and friends of those who lost their lives or were injured in this terrible, terrible shooting. Know that your country is with you in these most difficult moments.

I would also like, again, to express sincere gratitude to all the first responders and the medical personnel and law enforcement officers from so many different agencies who worked together to keep all of us informed—and most of all safe—throughout the day.

CONSTITUTION DAY

Mr. MCCONNELL. Mr. President, 226 years ago today about three dozen patriots helped form a more perfect union when they signed their names to a document that guides us still. The U.S. Constitution and the timeless principles that inform it have endured, ensuring liberty and freedom for the people of this country through war and peace, turmoil and prosperity.

So on this September 17, like every Constitution Day, we take a moment to reflect on just how fortunate we are to live in a nation that, unlike any other before or since, was founded on an idea. A big part of that idea is the fact that our rights come not from men but from the Creator, and that for this reason they cannot be taken away.

That is the context in which our Constitution was written, and it is the context of the Bill of Rights that was added to it, and it is just one of the things that makes America exceptional.

The first thing that every Senator, Congressman, or President does upon assuming office is take an oath to uphold the U.S. Constitution. On this Constitution Day I join my fellow lawmakers in recommitting myself to that solemn oath, to doing everything I can to ensure that the principles of constitutional self-government are adhered to and defended in Washington. This glorious document that binds us is the guarantor of our freedom and the light that continues to guide our people.

Today we remember that with pride—and with optimism about the future of this great country.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

The Senator from Illinois.

IMPORTANT VALUES IN AMERICA

Mr. DURBIN. Mr. President, flags across America are being flown at half-mast this morning because of the terrible tragedy which occurred out that door 1½ miles away yesterday.

Men and women who worked for our Department of Defense to keep America safe reported to work as usual on a

Monday morning, and then tragedy struck. A gunman appeared with an assault rifle, several other weapons. At the end of it, 12 innocent people died, another dozen or so seriously injured.

This Capitol was in shock. It was locked down at some point to ward off the possibility there were other shooters and more danger outside. We watched as the people who worked at the Navy Yard and those who worked in adjoining buildings waited patiently for the police to do their important and courageous work. At the end of the day, they showed television footage of these employees being bused away from the Navy Yard to a safe metro location to return home—all but 12 of them who, sadly, lost their lives through this senseless gun tragedy.

We read the papers this morning trying to understand what could possibly motivate a person to do this. As we read the background of the shooter, it was clear there were moments in his life when he had used a firearm to shoot the tires of a car that he thought should not be parked in his driveway, shooting a gun in his own apartment that went through the ceiling to an adjoining apartment. Those sorts of things might have been warning signals. Questions are raised—How could a man with that kind of a background end up getting the necessary security clearance for a military contractor to go into this Navy Yard, to be permitted to go into this Navy Yard? How did he get these weapons into this Navy Yard; an assault rifle and other firearms—questions that still remain to be answered.

God forbid we go on with business as usual today and not understand what happened yesterday.

What happened yesterday brings into question some important values in America. If we value our right for ourselves and our families and our children to be safe, if we value this Constitution, if we value the right of every American to enjoy their liberties with reasonable limitations, then we need to return to issues that are of importance.

There was an issue before the Senate several months ago—a bipartisan amendment offered by Senators MANCHIN and TOOMEY that would have taken an extra step to keep guns out of the hands of those who have a history of felonies or people who are mentally unstable. The vast majority of Americans think this is common sense. We can protect the right of law-abiding citizens to use guns in a responsible, legal way for sporting, hunting, self-defense, but we have to do everything we can to keep guns out of the hands of those who would misuse them: felons who have a history of misusing firearms; the mentally unstable who cannot be trusted to have a firearm.

But today we pause and reflect on the lives lost, I hope the lessons learned. I had a hearing scheduled this morning before the Senate Judiciary Committee on a controversial issue involving firearms. In light of what happened yesterday, in light of the uncertainty of our schedule today, I am rescheduling that hearing. It is an important one, and I want to say to those who are following it that it will be rescheduled. But at this point in time we have decided to postpone it for today, to another day in the near future.

HEALTH INSURANCE

Mr. DURBIN. Mr. President, let's talk for a minute about the Vitter amendment that is on the floor. One-half of all Americans have a common experience. The experience is this: They get health insurance where they work—one-half of all Americans. For virtually all of them, their employer pays for part of their health insurance premium and the employer gets a tax break. If you own a company and offer health insurance to your employees, we have what we call the employer's exclusion for health care benefits. In other words, what you pay for your employees' health insurance is excluded from your income for tax purposes. It is one of the most expensive exclusions in the Tax Code, but it is a valuable one because it encourages businesses to offer health insurance to their employees, which is important for those families, important for our Nation.

Of course, when it comes to the Federal Government, the same rule applies. The employer—the Federal Government—offers health insurance to its employees under what is known as the Federal Employees' Health Benefits Program. Eight million Americans, representing Federal employees and their families, get their health insurance through the Federal Employees' Health Benefits Program. It includes Members of Congress. We do not have a special health insurance plan. We have the same plan that millions of Federal employees have. And our staff enjoy those same privileges.

Well, now we are in a period of transition because of the new Affordable Care Act.

This Affordable Care Act says that from this point forward Members of Congress as well as their staff members will no longer be insured by the Federal Employees Health Benefits Program but instead will become part of the insurance exchanges that were created. These exchanges, which are going to be in virtually every State because of State sponsorship, Federal sponsorship, or shared responsibility, will offer health insurance plans across America so that those who currently do not have health insurance today will be able to apply for a plan under the insurance exchange. If they are extremely low-income individuals, they will get help—subsidies and tax treatment that will help them pay for their premiums. The notion is that no matter where you live you will have access to health insurance.

The health insurance offered by these exchanges and by every other company in America will change because this law—change for the better. Senator REID spoke about it earlier.

Preexisting conditions. How many of us do not have a preexisting condition or somebody in our family with a preexisting condition? Perhaps someone in our family was treated for cancer or diabetes or even a mental illness. In the past health insurance companies could discriminate against you and say: Sorry, we do not offer health care plans to cancer survivors. Well, that is no longer the case. This new law, the Affordable Care Act—so-called ObamaCare—says that health insurance policies from this point forward have to cover preexisting conditions not just in children but adults as well. The Republicans are saying: We want to repeal that. We do not want to put that new provision in the law. We do not want to require insurance companies to cover those with preexisting conditions.

There is another change in the law. Some insurance policies today have limits on how much they will pay. Well, I can tell you, be careful. If your health insurance plan says: We will cover your bills, say, up to $100,000, be careful. You could go in tomorrow—or someone in your family—and be diagnosed with a cancer condition requiring extensive medical care that far exceeds the $100,000. Under ObamaCare there are no limits on health insurance protection. If you have a terrible illness or if someone in your family does, the insurance policy will cover you. The Republicans want to repeal this provision so that they can set limits on health insurance policy limits, which could literally bankrupt a family with a terrible medical condition with which they are trying to deal. That is one of the provisions in ObamaCare that the Republicans want to repeal.

The issue on the floor today is the Vitter amendment. Senator VITTER is from Louisiana. He came to the floor last week and he said: Since Members of Congress and their staffs are now going into these insurance exchanges, it is time for us to eliminate the employer contribution for Members of Congress and their staffs. They have to pay it all, 100 percent of the premium, unlike 150 million Americans who get insurance through their employer and the employee pays a portion of it.

When it comes to congressional staff and Members of Congress, no employer contribution, pay it all. Well, it turns out that is exactly the opposite of the way Senator VITTER voted on the floor of the Senate on an amendment offered by Senator GRASSLEY, No. 3564 on the Affordable Care Act. Senator VITTER voted, during the debate on this issue, to protect the right of congressional employees and others on the employer contributions. Now he has reversed himself. Now he says: No employer contribution. This is unfair. It is unfair to do this to the employees of the Senate as well as the Members. All we are asking is that this group of individuals be

treated the same as every other American with health insurance through their employment.

My fear is that this is not the end of Senator VITTER's crusade against health insurance by employers. I think this is a first step. The next step could be to eliminate the employers' contribution for health insurance across the board. That would be devastating, absolutely devastating and fundamentally unfair to see workers across America—not just congressional employees, Federal workers, workers in the private sector—paying the entire premium with no employer contribution. That is a good way to eliminate coverage, not to expand it. We should be expanding health insurance coverage.

I listened to the Senator from Louisiana describe the employer contribution to health insurance as a Federal subsidy—a Federal subsidy. Well, I guess technically he is right because the Tax Code says to employers: We will give you special positive tax treatment if you offer health insurance. So the Tax Code does, in fact, give a subsidy to all employers who offer to pay a part of their employees' health insurance premiums.

OK. I will accept that definition. But that is a worthy subsidy. Even though it is the most expensive provision in the Tax Code, it is a worthy subsidy because it encourages more health insurance. It makes it more affordable for working families in Louisiana, Illinois, Massachusetts, Michigan, and across the United States.

If Senator VITTER is going to attack an employer's contribution to health insurance as a Federal subsidy we can no longer afford, then say it on the floor of the Senate. Let's have an up-or-down vote. I challenge my colleagues on both sides of the aisle to stand up for working families across America—in the private sector, in the public sector, our congressional employees, even Members of Congress—to be treated the same. No special preference for Members of Congress but have employer contributions protected under the law regardless of whether you buy the plan in the private sector or in the public sector.

This is an important vote. I think some of my colleagues on the other side of the aisle are so determined to end ObamaCare, so determined to put an end to this effort to reduce the cost of health insurance premiums and to make health insurance more available to people across America and basically a sound investment for your health insurance future—I think those Republicans who are determined to eliminate that have some questions to answer.

They want to eliminate the provision in ObamaCare that says parents can keep their kid under their health insurance policy until that young man or woman reaches the age of 26. Is it important? Well, do you have a son or daughter graduating college soon who cannot find a full-time job? Are you worried about whether they are going to have health insurance? They can stay on your policy, mom and dad, until they reach the age of 26. The Republicans want to repeal it.

Also, we have a prescription drug program for seniors. It is very popular. Part D says: We are going to help seniors pay for medicine so they can stay well and healthy and independent and strong and not end up in a hospital or convalescent senior center or a nursing home. In the ObamaCare bill, we extend the protection of this prescription program for Medicare recipients. The Republicans want to repeal that. How in the world can that be in our best interest for seniors—many of them on fixed incomes with limited savings—to have to pay more for their prescription drugs? Is that the Republican answer? It is not a good one if that is what they are proposing.

When it comes to quality health insurance that will not discriminate against people with preexisting conditions, when it comes to quality health insurance that has to offer maternity benefits—hard to believe, isn't it, that health insurance plans before ObamaCare could exclude maternity benefits? One of our Senators this morning said that up to 60 percent of the policies do not cover the birth of a child. They have to now under ObamaCare. But the Republicans would repeal that requirement, leaving more women in a situation where they have to pay out of pocket for prenatal care and the delivery of a child. How can that be in the interest of a healthy America? We want moms, as soon as they know they are pregnant, to go see a doctor, go through ordinary prenatal care, have those healthy, happy babies who make such a difference in their lives. Is it important? I think it is. It is in ObamaCare. The Republicans want to repeal it. Why?

If they want to change some provisions, if they want to debate them and amend them, let's do it. You know, when it gets down to it, there is not a perfect law that has ever been passed. We can always change it for the better if we do it in good faith and in the democratic way. That is the way it should happen. But, instead, the House of Representatives—which the Presiding Officer served in before joining us here in the Senate—has voted 41 times to repeal ObamaCare—41 times. One time the Republican leader over there tried to change one provision, perhaps even improve it. His own Republican caucus turned on him and said: No, we do not want to improve it.

The last thing I want to say is this: Those who ignore history are condemned to repeat it. That is etched on the side of one of our buildings downtown here. The year was 1935. Franklin Delano Roosevelt looked around America and saw that the poorest group of Americans turned out to be elderly people, people who could no longer work and had nowhere to turn. Sadly, many of them had no choice—they went to live among poor people in a poorhouse or if they were lucky enough, their kids took them in. If you hear the story of your own family, they can remember back when grandma and grandpa moved in that spare bedroom because they could not work anymore and they had nowhere to turn.

So in 1935 Franklin Roosevelt said: Let's do something about it. Let's create an insurance plan. Here is what it says: You pay into this insurance plan while you are working. When you reach the age of 65, we will pay you at least some money each month to get by. They called this insurance plan Social Security. It was part of the New Deal under Franklin Roosevelt. It was pretty sensible but controversial too.

Do you know what the Republican reaction was to Social Security in 1935? Here on the floor of the Senate, there was a Republican filibuster to stop Roosevelt from implementing Social Security. They would not let him open the Social Security offices he needed across America nor give him the staff. A Republican filibuster stopped it.

In 1936 the Republican candidate for President was Alf Landon, a progressive Republican Governor from Kansas. Alf Landon said: If I am elected President of the United States in 1936, my first act of office will be to repeal Social Security.

Then, when they started implementing it, the chamber of commerce here in Washington sent out notices to employers across America to put a notice in the pay envelope. It said: The 1 percent you are paying into Social Security, Mr. Worker, is never going to help you. You are never going to see a penny of it. The only way to stop it is to vote against this fellow named Roosevelt.

Does any of this sound familiar? Does this playbook sound like something you have seen recently? That is exactly what the Republicans are doing to the Affordable Care Act, to the effort by this Congress and this President to make health insurance more affordable, to make the policies more valuable, to help working families, and to try to make sure those who are uninsured have a chance to buy insurance because uninsured people get sick too. They go to the hospital. They get treated. When they cannot pay, we pay for it. We pay for it. Everybody in the health insurance plan pays more because those people in the hospital cannot afford to. If we bring more and more people into insurance coverage under ObamaCare, it is going to mean they accept the personal responsibility to buy insurance and their bills do not become our bills. Republicans want to repeal that. They are replaying the same script and same scenario we saw when they tried to abolish Social Security. Let's not let it happen. Let's move forward in a positive way on health insurance as more than just some privilege. From my point of view, it is one of the most basic rights of this country.

If you have ever been in a situation with a serious illness in your family and you had no health insurance, you will never forget it. It happened to me and my wife. We will never forget it as long as we live. I do not want to see another family in that situation. Repealing ObamaCare could create it. I hope we have the good sense to vote down the Vitter amendment and stand for good, affordable health insurance for working families whether they work in the private sector, the public sector, or Congress, and to make sure they have an employer contribution so that health insurance is affordable.

The Vitter amendment is a step back in time. It is a step back in time that will eliminate the protection of health insurance for literally thousands if not millions of Americans. That is not the way to go. I would say to the Senator from Louisiana it makes no sense to the working families of America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

NAVY YARD TRAGEDY

Mr. LEVIN. Mr. President, I wish to say a brief word about yesterday's tragic and senseless violence at the Washington Navy Yard.

The men and women who protect our Nation and the men and women in uniform and the thousands who serve the Department of Defense make enormous sacrifices for us. Facing a workplace gunman should not have been one of them. Those who have died, their wounded, their families, and loved ones are in our thoughts and in our hearts today.

SYRIA

Mr. LEVIN. Mr. President, I come to the floor this morning to discuss another senseless act of violence and our Nation's response.

In the early morning hours of August 21, the Syrian military began firing artillery rockets into the suburbs east of Damascus, hitting neighborhoods held by opposition forces that had been fighting to end the brutal dictatorship of Bashar al Assad.

We know from the accounts of independent observers such as Human Rights Watch, the work of our intelligence services, and those of our allies, that many of these rockets were armed with warheads carrying sarin, a deadly nerve gas. We know these rockets were launched from areas under the control of Assad's regime, using munitions known to be part of Assad's arsenal, and into areas held by opposition forces. We know from the report of the U.N. weapons inspectors released yesterday that the weapons used, both the rockets and the chemicals themselves, were of professional manufacture, including weapons known to be in the Syrian Government's arsenal. There is no other source of this deadly gas except the Syrian Government. Nothing else makes any sense whatsoever.

President Obama declared that the United States would act in response to this threat to global security. He determined it was necessary to use American military force to degrade Assad's chemical capability and deter future use of such weapons by Assad or others. He did so because a failure to act would weaken the international prohibition on chemical weapons use. He did so because the failure to act could lead to greater proliferation of these weapons of mass destruction, including the potential that they could fall into the hands of terrorists and used against our people. He did so because if the use of chemical weapons becomes routine, our troops could pay a huge price in future conflicts.

On September 4, a bipartisan majority of the Senate Foreign Relations Committee approved the President's request for an authorization of the limited use of military force.

Faced with this credible threat of the use of force and in response to a diplomatic probe by Secretary Kerry, Russia—which had for more than 2 years blocked every diplomatic initiative to hold Assad accountable for the violent repression of his people—announced that Assad's chemical arsenal should be eliminated.

The agreement that followed requires Syria to give up its chemical arsenal on a historically rapid timetable.

Within a week Syria must fully account for its chemical weapons stockpiles and infrastructure. By the end of November, U.N. inspectors must be allowed to complete their assessments and key equipment used to produce chemical agents must be destroyed. All of Syria's chemical stocks, materials and equipment must be destroyed by the end of next year.

Any failure to abide by the terms of the agreement would lead to consideration of penalties under Chapter VII of the U.N. Charter, under which the U.N. Security Council may authorize among other steps ''action by air, sea, or land forces as may be necessary to maintain or restore international peace and security.'' Regardless of U.N. action or inaction, the President retains the option of using force if Assad fails to fully comply.

This agreement is a significant step toward a goal we could not have achieved with the use of force. The authorization approved by the Senate Foreign Relations Committee had the stated purpose of degrading Assad's chemical capability and deterring the use of chemical weapons by Assad or by others. What can now be achieved is more than degrading and deterring. We may be able to eliminate one of the world's largest stockpiles of chemical weapons.

We should have no illusions that achieving this outcome will be easy. First are the technical and logistical challenges. Many have expressed concern about the likelihood that Assad's stockpiles can be secured and disposed of as quickly as this agreement provides—by the end of 2014—especially given the dangerous security environment in Syria. I share these concerns. But accepting and addressing these challenges is a better course than not acting against the certain danger of leaving these weapons in the hands of a brutal dictator allied with Hezbollah, a dictator who has demonstrated a willingness to use them against civilians.

Some have expressed doubts that Assad and Russia will follow through on the agreement which was reached in Geneva. To address these doubts, we must inspect, verify, and continue to hold open the option of a strike against Assad's chemical capability if he fails to fully abide by the Geneva agreement.

What I do not understand is why some of the same voices who called for the United States to get Russia to end its obstructionism now criticize the President for getting the Russians involved. I was disappointed to hear my Michigan colleague, Congressman MIKE ROGERS, make the irresponsible claim that this agreement amounts to ''being led by the nose'' by Russia. This contradicts his previous statements that we need to put pressure on Russia to get involved in a solution to the Syrian threat.

Chairman ROGERS has also said: ''What keeps me up at night: We know of at least a dozen or so sites that have serious chemical weapons caches'' in Syria, and stressed the urgency that ''all the right steps are taken so that we don't lose these weapons caches and something more horrific happens.''

Thanks to U.S. pressure and a threat to take military action in response to Assad's use of chemicals, the Russians are finally getting involved in getting Syria to respond. We have taken a major step toward securing these chemical weapons as Chairman ROGERS himself so strongly urged.

We need not rely on good intentions from those who have not shown good intentions in the past. It was the credible threat of the use of military force that brought Russia and Syria to the bargaining table. It is a continued credible threat of military force that will keep them on track to uphold the provisions of that agreement.

The President has made it clear, and rightfully so, that ''if diplomacy fails, the United States remains prepared to act.''

Secretary Kerry, standing right beside his Russian counterpart in Geneva, emphasized this agreement in no way limits President Obama's option to use force if it becomes necessary.

Many of our colleagues have stressed repeatedly in recent weeks that the credible force, the credible threat of military force, is essential to reining in Assad. I strongly agree. For the life of me, I cannot understand why those who have taken that position would now argue, as some of those same colleagues are arguing, that the Geneva agreement is somehow of little or no

use because they say it somehow removes the option to use force. The Geneva agreement says nothing of that sort.

Their argument isn't just inaccurate, it is damaging to our efforts. Why would those who believe the threat of force is essential to keeping pressure on Syria and Russia want to argue it is no longer available? Why would those who have accurately said the United States does not need international approval to use its military forces now argue the Geneva agreement leaves us in the position of needing to get international approval to use force in this case when the Geneva agreement does nothing of the sort?

Some have criticized the Geneva agreement for not doing more to aid the Syrian opposition. Russia and Syria tried to get an agreement from us to not support the opposition, but they failed to get that agreement from us in the Geneva agreement or anywhere else. Indeed, the administration is seeking ways to facilitate the additional support for the opposition that so many of us believe is essential.

I believe we should facilitate the provision of additional military aid to the opposition, particularly the vetted elements of Syria's opposition forces, including antitank weapons. Such aid will help the Syrian people defend themselves from the brutal Assad regime, furthering our goal of bringing a negotiated end to his rule.

I find it troubling that so much of the commentary on this topic has not dealt with substance and policy. Washington has been and always will be a political town, but we now reach the point where politics seems to be the only lens through which so many people around here view the most important and serious matters of the day, including national security.

Speculation as to motives, or about potential winners or losers, or who is up and who is down, misses the point. This is not an ice-skating contest with points awarded for style. What is important is our national security and whether this agreement advances it. Removing weapons of mass destruction from the hands of a brutal dictator—a preliminary outcome, yes, but real and tangible—is the direct result of American leadership.

A month, a year, or 5 years ago, an agreement to eliminate Assad's chemical weapons would have been seen as a significant gain for our security and for the world's security, not just for the President who achieved it but far more importantly, again, for the safety of our people, of our troops, and the entire world.

I hope as we continue with the hard work of implementing this agreement and as we seek an end to Bashar al Assad's rule, we can keep our eyes on those goals and skip the superficial political scorekeeping and inaccurate potshots that distract us from achieving those goals.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHATZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NAVY YARD TRAGEDY

Mr. THUNE. Mr. President, as I rise today, I wish to talk about the economy and the need to create an economic climate that strengthens the middle class.

Before I do, I wish to acknowledge, as have many of my colleagues, and to comment on the tragedy that occurred here at the Washington Navy Yard yesterday.

We are going to debate a lot of issues. The business of the country goes on and the business of the Senate goes on, but for the families of the victims of that tragedy yesterday, things stand still. It is important for all of us to take a moment to mourn with them the loss they have experienced and to extend our thoughts and prayers to their families and their loved ones. It is a horrible tragedy. As we continue the back-and-forth we have on the issues of the day, we will remember and keep those families in our thoughts and prayers.

THE ECONOMY

Mr. THUNE. Mr. President, I wish to speak on the economy. The President has yet again this week—in fact, he gave a speech yesterday where he was pivoting back to the economy, a topic that millions of unemployed Americans haven't had the luxury of pivoting away from.

For most Americans, they are living this economy every single day in their personal lives. When the President talks about pivoting back to the economy, this has been a repivot, and a repivot many times. He talks about something else for a while and then talks about coming back to the economy. For the American people, the American economy is, was, has been, and will continue to be the issue for them and their families.

As the President steps up his rhetoric to try and convince a skeptical public that his policies have somehow helped our economy, I think it is important to point out that the President's policies, according to facts, simply aren't working.

The reality is participation in the labor force continues to decline. The August job numbers report a labor participation rate of 63.2 percent. This is the lowest participation rate since August of 1978, 35 years ago when President Carter was President.

What this means is if thousands of Americans haven't given up looking for work, the unemployment rate would be over 10 percent. We talk about the reported unemployment rate, which is 7.3 or 7.4—it has hovered around that range for a long time—but the real unemployment rate should include those who have quit looking for work. When you add that number in, the unemployment goes up to 10.6 percent.

In August the number of long-term unemployed—those people who have been jobless for 27 weeks or more—remained roughly at 4.3 million people. Those individuals accounted for 37.9 percent of the unemployed. We are not seeing any improvement in the area of people who have been without jobs for a long period of time.

Worse yet, 60 percent of the jobs created this year were part-time jobs. We continue to see evidence that the President's policies, President Obama's policies, are leading to not the creation of full-time jobs but the creation of part-time jobs. In other words, Americans are having to work more than one job to make ends meet, therefore reducing the take-home pay for them and their families. This is another thing we have seen. Take-home pay has gone down in this President's time in office.

The American people understand the President's economic policies have fallen short. That is why, as you look at these various polls, most Americans—the majority of Americans—disapprove of the President's handling of the economy. The reality remains that this administration's policies are hurting jobs in our economy. The President's signature health care law is probably as much to blame for that as anything else.

As I talk to employers in my State of South Dakota and across the country, the recurring theme is the mandates, the requirements, all the new redtape associated—and the higher taxes with the President's health care law—are meaning higher taxes and fewer hours for American workers. According to Americans for Tax Reform, there are 20 new or higher taxes in ObamaCare that will hit American families and small businesses. As a result of these taxes and other policies in ObamaCare, the President's signature health care law significantly impacts what matters most to people, and that is their jobs and their ability to provide for their families. It is no secret that a good job is a critical part of the American dream, but this President's policies are putting that dream farther and farther out of reach for many Americans.

In fact, in selling the law, former House Speaker NANCY PELOSI declared at the time:

> This bill is not only about the health security of America, it's about jobs. In its life, it will create 4 million jobs—400,000 jobs almost immediately.

The former Speaker's claims run completely contrary and counter to what we are seeing. People are working fewer hours. As the numbers I have presented before demonstrate, fewer people are actually even participating in the labor force. Americans are discouraged by the lack of economic growth and by ObamaCare's impact on

employers. Their ability to offer quality jobs is taking its toll on our investment.

Only last week Investor's Business Daily reported that due to ObamaCare at least 258 employers cut work hours or jobs so far. Meanwhile, according to the U.S. Chamber of Commerce, 71 percent of small businesses say the law makes it harder to hire workers.

According to the July Fed Beige Book, the health care law has been cited as a job market concern. They quote from that report: ''Several retailers reported that the Affordable Care Act would lead to more part-time and temporary versus full-time hiring.''

The President's health care law is smothering employers in bureaucratic redtape, uncertainty, and taxes. Already more than 20,000 pages of regulations have come from the 2,700-page law. The time and cost of complying with these regulations places a serious burden on the ability to spend time and energy creating new jobs. Time and money that would be spent opening a new store, increasing hours, upgrading equipment, which would create more jobs, is instead being spent on lawyers and consultants who have to help small businesses interpret all of the regulations, all the requirements, and all the mandates created by this administration's health care law.

Poll after poll has shown that ObamaCare is extremely unpopular among a majority of Americans. According to a recent CNN poll conducted by ORC International, nearly 60 percent of Americans said they oppose the Democratic signature law. I would hope the President would begin to be honest with the American people about what this law truly means for jobs and our economy, and I would hope he would begin to listen to Americans. If he does, he will find what most of us have discovered a long time ago; that is, the American people don't want this and American employers and small businesses believe it will lead to fewer jobs and lower take-home pay for the people they employ.

I hope in the days ahead, as we focus on the economy—and if the President is sincere about his pivot back to the economy, he will take into consideration what really ails the economy; that is, excessive taxes, regulations, redtape, bureaucracy, mandates and requirements, many of which are associated with his signature achievement, which is the ObamaCare health care legislation.

What the country does not need right now is another tax increase. What the country needs right now is policies that will expand and grow the economy, that will reform our Tax Code in a way that lowers rates and makes us more competitive in the global marketplace and unleashes American energy in a way that gives us a competitive advantage over our foreign competitors. We can do all of that. All the President has to do is sign off, for example, on the Keystone Pipeline, which would create thousands of jobs immediately and many more once it is fully built and working.

It would also mean we do away with the onerous, burdensome requirements of the ObamaCare legislation and replace it with policies that make sense, that actually focus on what will give Americans more access to affordable health care in this country.

We need to reduce spending here in Washington, DC, and quit looking at every problem as an opportunity to raise taxes. That seems to be the Democratic solution for everything. Their budget proposed a $1 trillion tax increase. The leader of the Democrats here in the Senate has said tax reform has to include $1 trillion in new taxes. It is not revenue that is the problem here in Washington, it is spending. If we look at revenues, they are up $284 billion in the first 11 months of this year. We don't have a revenue problem, we have a spending problem. We don't need another tax increase, we need policies that will lower the rates, that will get rid of the redtape and the regulations that are strangling our economy and allow our small businesses to create jobs that will make lives better for middle-class Americans and improve the take-home pay for every family in the country.

The job-killing mandates in ObamaCare are harmful to our economy, they are harmful to jobs, and it is time we delay or repeal it and replace it with commonsense alternatives. We believe that discussion needs to occur, and I hope the President will allow it to occur. It is time to focus on comprehensive, revenue neutral tax reform of our broken tax system, repeal the mandates in Obamacare, and get rid of a lot of the government redtape and regulations that are making it more difficult and more expensive for employers in this country—for small businesses—to grow jobs.

Those are the types of things that will get the economy unleashed, that will expand and grow the economy and create more jobs for ordinary working-class Americans who are out of work and will raise the take-home pay for families in this country, which would allow the quality of life and the standard of living to improve for every American family.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

NAVY YARD TRAGEDY

Mr. ISAKSON. Mr. President, before I make my remarks, I would like to join Senator THUNE and others on the Senate floor who have expressed their compassion and their sympathy for the survivors and the victims of yesterday's terrible tragedy at the Washington Navy Yard. Yesterday was but another grim reminder of the dangerous society we live in, the danger that can confront all of us, and the need for all of us to be aware and do everything we can to make sure our environment is secure and safe.

To those who were injured, those who sacrificed their lives, those whose loved ones were hit, may God bless their souls and may God bless them in their recovery during this period while dealing with this terrible tragedy.

TRIBUTE TO DR. JOHN D. KNOX, JR.

Mr. ISAKSON. Mr. President, tonight in Marietta, GA, my hometown, there will be a celebration I cannot attend. There will be a celebration to honor 50 years of medical service to our community by Dr. John D. Knox, Jr. I hate it that I can't be there because he has been an important part of my life, but I would like to take a minute on the floor of the Senate to pay tribute to Dr. Knox and all those physicians who deliver health care to our people, our citizens in our States, our districts, and our country.

As I pondered what I would say about John Knox on the floor this morning, I was sitting in my office looking at the plaques and certificates all of us receive for various works we have done in public life, and it occurred to me, when you go into a doctor's office you will see a diploma and you might see a Norman Rockwell painting, but really the trophies and tributes to doctors are people walking around with two feet in our communities who have survived a terrible injury or a terrible disease and who are living a normal life because a physician, with his or her training, brought them back to life or cured a terrible problem.

Dr. John Knox has done that for 50 years in my community—50 years as an orthopedic specialist and orthopedic surgeon with Resurgens Orthopaedics, which is one of the largest orthopedic practices in the Southeast. In fact, one of those great trophies to John D. Knox, Jr., is my son Kevin, who in 1989 went through the windshield of a pickup truck on a rural road in south Georgia. He had a double compound fracture of his lower right leg. He landed in a ditch full of dirty water and lay there for 2 hours before help came. Fortunately, he didn't sever an artery, but he was in bad shape.

I got the call at 4 a.m. that no parent ever wants to get—the call that paramedics had my son, that they were on the interstate and did I want them to take him to Augusta Medical College or to Atlanta, GA, for treatment because nobody in rural Georgia had the facility to treat his injuries. I immediately asked them to bring him to Marietta, GA, to Kennestone Hospital, and to immediately call John D. Knox and ask him if he would meet my son at the emergency room. The next 6 weeks my son had four surgeries, all performed by John D. Knox. He had antibiotic therapy to make sure his bone marrow did not get infected from lying in the ditch. For 8 months he got psychiatric and psychological help and

home recovery with his mom, myself, doctors, and those physicians recommended by John Knox.

The great story is that the night before my son was injured, he started as defensive end for Walton High School. One year later, after this terrible wreck and recovery, he again started as defensive end for Walton High School. The miracle of medicine put my son back together, but if it wasn't for John D. Knox, my son might not be here today.

I wanted John D. Knox, a great doctor in Marietta, GA, to know that what he did in 1989 for my son and what he has done for countless thousands of citizens in my community for years and years never will go unappreciated and will always be recognized. I am glad my family was a part of his 50 years of service as a physician. God bless John D. Knox, and congratulations on his service to our great community of Cobb County, GA.

I yield the floor.

FISCAL ISSUES

Mr. COATS. Mr. President, yesterday the President indicated that we need to pivot back to the fiscal issues facing this country and facing Congress. This comes after a year with little sense of urgency on perhaps the most pressing and challenging domestic issue before us. Of course, issues such as Syria and foreign policy have to be addressed, but we have had a year in this Congress to address our fiscal issues knowing we were moving toward a drop-dead date fiscally of September 30, and here we are now, more than halfway through September, just beginning to take up these issues that will direct the fiscal future of this country. The clock is ticking away, and we have spent little time preparing for what is coming. But here we are once again careening toward another fiscal cliff.

The American people are sick and tired of this. I think the Senate and the Congress are sick and tired of doing this. Yet we find ourselves once again careening up against a deadline to provide funding to keep our economy moving forward and to keep our government providing essential services.

Clearly, we could all argue there are a number of things that don't need to be funded or can be postponed, but there are essential functions of the Federal Government that can't be handled any other way and must be funded. National security is one of those top priorities, along with homeland security. We continue to have issues in terms of providing safety for American workers in the workplace, such as the tragedy that occurred yesterday at the Naval Yard, and these all come under the rubric of providing law enforcement and homeland security enforcement for our people.

These are essential functions of government, and unless we come to some agreement by the end of this month, we are going to shut all that down. Our troops won't get paid, our homeland security personnel won't get paid, and a whole number of other essential functions will not be able to take place. So we have a lot of work before us and very little time to do it.

We also know that very quickly—shortly after the end of this month—if we don't pass an ongoing resolution to provide funding while we work out some of our differences, we will also reach the national debt limit. We are going to have to address whether or not to raise it and, if so, how much to raise the current borrowing limit. Today we are looking at an unimaginable national debt of $16.7 trillion, and it is growing every day. All of us who have seen the debt clock ticking away are astounded at the rate we spend and how much we have to borrow in order to cover our spending because the revenues do not match the spending. Washington has had this spending addiction for decades, as if money just falls from trees or can just be printed down at the Fed and we won't have to pay any financial consequences.

We have had 5 years of stagnant growth in our economy, timid progress that is not putting people back to work. Our economy is not working well. Yet we are still spending way beyond our means. That also has to be addressed. In the last 20 years Federal spending has grown 63 percent faster than inflation. So it is clear that without changes, mandatory spending, including net interest, is going to consume three-fourths of the Federal budget in just one decade. Almost half of that Federal spending will go toward Social Security and health care entitlements. In 2002 that percentage was 25 percent, and now it is 45 percent.

Far too little has been done to address this runaway spending train. Instead of waiting for a crisis to hit, instead of governing from one fiscal cliff to another, isn't it time we worked together on a plan to reduce our debt and curb the rate of mandatory spending? This is a matter of extreme importance. It can't be solved with a deal at the eleventh hour.

There has been a lot of talk around here about putting us on a path to fiscal solvency but no real action, and the clock continues to tick. I would like to ask the President and the Senate majority leader at what point they think we should start acting on a plan to reduce our debt—$17 trillion, $20 trillion, $25 trillion? At what point, Mr. President, do we say this is unsustainable? This is driving us toward insolvency. We need to take action. How much red ink is too much?

When will the President draw a redline on debt and borrowing? When pressed, the President says he actually has a fiscal plan: just continue to raise taxes, pass another one of his stimulus spending plans—the last one didn't work too well—and adopt his budget proposal that doesn't even have the support of his own party.

Clearly, the President is unwilling to lead on addressing our fiscal crisis. Absent his leadership, I am urging my colleagues in the Senate, Republican and Democratic, to focus on this important issue. Let's put something on the President's desk and ask him to either sign it or reject it. But let's stop waiting for the White House to come forward with a plan because their plan is going nowhere. It doesn't have the support of either side of this body, Republicans or Democrats. I am urging the majority leader to focus the Senate's attention on reducing our debt, growing our economy, and getting Americans back to work.

The best way to grow the economy and secure our country's fiscal future is by creating a long-term budget plan that focuses on restructuring mandatory spending programs, reforming our Tax Code, and cutting unnecessary Federal spending. This has been a mantra of mine ever since I came back to the Senate. I came back for this very reason, and here we are 3 years after the 2010 election, when the public was urging us to address this issue, and we still have not accomplished this task. It is because we have not had leadership from this President to address the underlying issues that are so plain, that are so evident, that are so consequential to our fiscal future. When we boil it down to what it means to American families, whether it be saving money to send their kids to college, getting a decent job after they graduate with a huge debt and being able to pay that back or getting middle-class people back to work who have been laid off for years, getting our economy moving again at more than a timid 1.8 percent or 1.5 percent, stumbling along after 5 years of recession—the policies, whether we think they are right, frankly, haven't worked. Isn't it time to deal with something everyone knows we need to deal with; that is, excessive spending, this addiction to spending, the plunging into debt that is holding us back from doing what we need to do.

I am committed to working toward a solution to address our debt, to strengthen our economy, and help provide full-time jobs for the millions of Americans who are without those jobs. It is time to stop procrastinating. It is time to start acting. It is time that the President and this Congress stop delaying the hard choices and start representing the American people who sent us.

It is so unfortunate that we cannot rely on the President—the leader of our country—to act. He has announced he would not even discuss this incredibly important issue that determines the financial viability of our country. The President says: I will not negotiate with Congress on the debt limit. I will not negotiate with Congress on the resolution coming before us to fund the government going forward.

How does this provide results to the American people? How can we work on a plan to reduce the debt if the President refuses to even negotiate it? He is

willing to negotiate with President Putin of Russia, but he refuses to negotiate with Congress on how we can address our rising debt. This isn't leadership. We can't rely on Putin to pull us out of this one.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF PATRICIA E. CAMPBELL-SMITH TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS

NOMINATION OF ELAINE D. KAPLAN TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The bill clerk read the nominations of Patricia E. Campbell-Smith, of the District of Columbia, to be a Judge of the United States Court of Federal Claims, and Elaine D. Kaplan, of the District of Columbia, to be a Judge of the United States Court of Federal Claims.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

Mr. LEAHY. Mr. President, today, we are voting on 2 nominees to serve 15-year terms in the United States Court of Federal Claims. The Court of Federal Claims is an Article I court that is authorized to hear monetary claims that arise from the Constitution, Federal statutes, executive regulations, or contracts with the United States. We are finally voting on two well-qualified nominees for these positions, but we should also be voting on any of the 9 other Article III judicial nominees that are pending on the Executive Calendar.

As I have consistently noted, Senate Republicans have unnecessarily and persistently delayed nominees on the floor throughout this President's tenure and today's vote is another example. Rather than moving these two uncontroversial Article I nominees by unanimous consent, we are forced to take up scarce time on the Senate Floor, when we know that both of these nominees will be confirmed by overwhelming margins. There is no good reason why we could not also vote to confirm the consensus and noncontroversial Article III nominees on the Calendar. One effect of these unnecessary delays is that for the first time in nearly 2 years, our Federal district courts are again facing what the nonpartisan Congressional Research Service calls ''historically high'' vacancies. This means that there are now more seats empty on the districts courts than there were during 90 percent of the time during the 34 years after the Ford Administration. Despite this, judicial nominees languish on the Executive Calendar.

The two women we are considering today for the Court of Federal Claims are highly qualified, and their nominations have been stalled unnecessarily. Patricia Campbell-Smith has served as a Special Master for the United States Court of Federal Claims since 2005 and as Chief Special Master since 2011. Ms. Campbell-Smith previously served as a law clerk to Emily Hewitt, chief judge of the United States Court of Federal Claims, from 1998 to 2005, as an associate in private practice at the firm of Liskow & Lewis from 1993 to 1996, and again from 1997 to 1998. She served as a law clerk for Judge Sarah Vance of the Eastern District of Louisiana from 1996 to 1997, and for Judge Martin Feldman of the same court from 1992 to 1993.

Elaine Kaplan is currently the General Counsel for the U.S. Office of Personnel Management, and has served as the Acting Director of the Office of Personnel Management since April 2013. She previously served as Senior Deputy General Counsel and in other legal capacities for the National Treasury Employees Union from 2004 to 2009, and as the Senate-confirmed head of the U.S. Office of Special Counsel from 1998 to 2003. From 2003 to 2004, Ms. Kaplan served in private practice as a counsel at Bernabei and Katz PLLC. She has also served as a staff attorney for the State and Local Legal Center in Washington, D.C., and as an attorney with the Office of the Solicitor of the U.S. Department of Labor. The Senate Judiciary Committee reported these nominations to the Senate by voice vote on June 6, 2013.

As we vote on these nominees today, it is also important that we begin taking steps to address the urgent needs of our Federal judiciary. Last week, Senator COONS chaired a hearing before the Subcommittee on Bankruptcy and the Courts to consider these urgent needs. At that hearing, we heard testimony from a Federal judge from the District of Delaware, who stated that while she loved her job, she felt sorry for the judges who were just coming on because of the daunting caseload that many of these judges would be facing. A law firm partner testifying on behalf of the American Bar Association explained that the shortage of judges and resources were leading to harmful delays in resolving cases brought by individual civil litigants and businesses.

These delays have a real life impact on the American people and the economy. It does not benefit anyone if litigants have their cases delayed for months and months because our Federal courts are understaffed. When an injured plaintiff sues to help cover the cost of his or her medical expenses, or when two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute. Americans are rightly proud of our legal system and its promise of access to justice and speedy trials. This promise is embedded in our Constitution.

Sequestration has also had an especially damaging impact on the Federal judiciary. I continue to hear from judges and other legal professionals about the serious problems that sequestration presents. Chief Justice John Roberts said in July that these cuts ''hit [the judiciary] particularly hard . . . When we have sustained cuts that means people have to be furloughed or worse and that has a more direct impact on the services that we can provide.'' We must look to streamline our Federal budget wherever we can, but we should do so with care and not simply cut indiscriminately across the board. The Federal judiciary's budget takes up substantially less than 1 percent of the entire Federal budget. That is correct. We have the benefit of the greatest justice system in the world for less than 1 percent of our budget. Yet, we refuse to provide this co-equal branch with the adequate resources it needs. Let us work to reverse the senseless cuts to our legal system from sequestration so that we can help our coequal branch meet the Constitution's promise of justice for all Americans.

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

VOTE ON CAMPBELL-SMITH NOMINATION

The question is, Will the Senate advise and consent to the nomination of Patricia E. Campbell-Smith, of the District of Columbia, to be a Judge of the United States Court of Federal Claims?

The nomination was confirmed.

VOTE ON KAPLAN NOMINATION

The PRESIDING OFFICER. The question is now on the Kaplan nomination.

Mr. ISAKSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Elaine D. Kaplan, of the District of Columbia, to be a Judge of the United States Court of Federal Claims?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BAUCUS) would vote ''aye.''

The PRESIDING OFFICER (Ms. HEITKAMP). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 202 Ex.]

YEAS—64

Alexander	Hagan	Murphy
Baldwin	Harkin	Murray
Begich	Hatch	Nelson
Bennet	Heinrich	Portman
Blumenthal	Heitkamp	Pryor
Blunt	Hirono	Reed
Boxer	Isakson	Reid
Brown	Johnson (SD)	Rockefeller
Cantwell	Kaine	Sanders
Cardin	King	Schatz
Carper	Klobuchar	Schumer
Casey	Landrieu	Shaheen
Chambliss	Leahy	Stabenow
Chiesa	Levin	Tester
Collins	Manchin	Udall (CO)
Coons	Markey	Udall (NM)
Corker	McCain	Warner
Donnelly	McCaskill	Warren
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murkowski	

NAYS—35

Ayotte	Flake	Paul
Barrasso	Graham	Risch
Boozman	Grassley	Roberts
Burr	Heller	Rubio
Coats	Hoeven	Scott
Coburn	Inhofe	Sessions
Cochran	Johanns	Shelby
Cornyn	Johnson (WI)	Thune
Crapo	Kirk	Toomey
Cruz	Lee	Vitter
Enzi	McConnell	Wicker
Fischer	Moran	

NOT VOTING—1

Baucus

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid on the table, and the President will immediately be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Arkansas.

ORDER OF PROCEDURE

Mr. PRYOR. I ask unanimous consent that at 2:15 p.m. the Senate be in a period of morning business until 2:30 p.m., with the time controlled by Senator UDALL of Colorado and Senator BENNET; further, that at 2:30 p.m. the Senate resume consideration of S. 1392.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period of morning business until 2:30 p.m., with the time controlled by the Senator from Colorado.

The Senator from Colorado.

COLORADO FLOODS

Mr. UDALL of Colorado. Madam President, I thank the Chair for the recognition, and I rise today to talk about the unimaginable losses all of us in Colorado have experienced over this last week.

While much of the Nation's attention was focused on Syria or on the activities here in Washington, those of us in Colorado watched rain fall for 1, 2, 3, and 4 days straight with no end in sight. Creeks, such as the one that runs behind my home in Eldorado Springs, swelled. Culverts, such as those in Commerce City, quickly filled with rushing water. Rivers, such as the Big Thompson near the beautiful town of Estes Park, turned into walls of water that threatened entire communities. From the foothills of the Rocky Mountains to the Eastern Plains, rivers overtopped their banks—crumbling highways, drowning family homes, and transforming entire farms into lakes.

Many Americans have seen photos like this one that show the widespread and indiscriminate path of the floodwaters. In some places even today entire communities are still underwater, with families and homes uprooted by the ferocious strength of nature.

We say that water makes the West possible, but this past week Mother Nature gave us rain for 5 straight days, and now at least eight people are dead and hundreds are still missing or in need of rescue. We pray that we find every single one of those missing persons alive and in good health.

As of today the President has issued major disaster declarations for 4 counties and 15 counties are in a state of emergency, where lifesaving rescue efforts are still underway. In these areas active search and rescue operations are being conducted 24 hours a day by the Colorado National Guard, local police and fire departments, and rescue teams flown in from across the State and around our country. At least 19,000 homes have been damaged or destroyed. Several towns, such as Jamestown and Lyons, have been washed out and lack even the most basic public services. The town of Estes Park, which I mentioned earlier, the gateway community to the Rocky Mountain National Park, has literally been cut off from the rest of the State because the two major highways to it have literally been destroyed and the only access road will soon be closed for the winter.

There are some wonderful, inspiring stories that have come out of these events that we couldn't possibly comprehend or predict, and I want to start with the National Guard.

The National Guard has been amazing, doing outstanding work and rescuing thousands of Coloradans who have been affected by this disaster. They tell me that more people have been rescued by air in the past few days than at any time since the devastation we saw with Hurricane Katrina.

We saw—Senator BENNET, who is here with me, and I, along with the Governor and many members of our congressional delegation—the devastation from these floods with our own eyes. Just a few days ago—Saturday, to be exact—Senator BENNET and I joined others to fly over flooded areas in Boulder and Larimer Counties with a Colorado National Guard unit. At one point, as we circled over an area, we spotted a couple of families waving for help. We were able to land and be a part of the effort that brought them out of one of those isolated situations. That experience impressed upon me the very human side of this disaster.

As we all know, behind these graphic images being shown on TV are the lives of thousands of Colorado families, some forever changed. While so much of this disaster has taken on the grand proportions of a historic disaster, those whose lives have been affected by this flood have endured it on a very personal scale. I think this photograph says it all. It is the family who has to dig through mud and debris just to get into their kitchen or the older couple who returns from the evacuation to see their lifelong home completely destroyed or even, as I mentioned earlier, the extended family members who sit by the phone waiting for a call from a missing aunt, a niece, a child, or a friend. These are the very human faces of this tragedy.

This is a tragedy from which we can't recover alone. The outpouring of support from our friends and neighbors has been crucial to early response efforts, and this generosity will only strengthen us as we begin to recover. After all, there is no ''i'' in Colorado, and it is this strong sense of community which will allow us to recover from this disaster and to rebuild stronger and more resolute than before.

We are also going to rely on the full support of our Federal partners. I have long supported disaster aid, such as during Hurricanes Sandy and Katrina, as well as when we have experienced other countless acts of God, and now it is time for us to come together as one Nation and rebuild.

This will not be fast. It will not be easy. Many of our narrow mountain highways that had been carefully built through steep canyons have been destroyed and washed downstream. These highways, such as those in the Presiding Officer's State, are the economic basis for our Mountain State. Without them, trade and movement of any kind comes to a complete standstill.

I took this photo as we flew over what looks to be a river, but it actually used to be a stretch of U.S. Highway 34 outside of Estes Park. That

major east-west highway is gone. In looking at this photograph and seeing what Senator BENNET and I and many others saw on Saturday, it is one of those ''oh my God'' moments over and over again. Mother Nature has literally rewritten the map. This isn't an isolated incident in this canyon. There are dozens of these washouts, as we see here.

That is why I am going to fight in this Congress for full Federal support for recovery and rebuilding efforts. I am confident the support will be there, just as it was for so many others in their time of need.

In the meantime, individuals and businesses that are still dislocated or figuring out the extent of their damage must take action. So I want to share some advice I have received from FEMA and the other agencies involved.

If your home was damaged because of the storms of the past week, please go to DisasterAssistance.gov to view Federal assistance that may be available to you and to submit your claim. So that is right here—DisasterAssistance.gov. I urge everybody to go there and enroll, if you will, on that Web site.

If you operate a small business that has been affected by the flooding, you should register your claim with the Small Business Administration by going to DisasterLoan.SBA.gov. Again, if you have a small business and you have been affected by the flooding, go to this Web site: DisasterLoan.SBA.gov.

If you are just looking, as so many people are, for a way to help the people suffering from this disaster, go to HelpColoradoNow.org, where the State of Colorado has pooled resources to assist those in need.

Madam President, as I conclude, again I want to reference that in so many ways the history of our part of the Nation—the West—has been a story of water, but now that very resource that is our lifeblood is writing a new chapter in our history as it runs uncontrolled over every road, field, and structure in its path. But we are Colorado tough and we are rugged cooperators, and our spirit of strengthened independence has seen us through the most trying of times. It will see us through these days of loss and hardship.

I thank the Chair for her attention and her support, and I yield the floor to my colleague and friend MICHAEL BENNET.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Madam President, I would like to thank my colleague MARK UDALL for summarizing so well what we are facing out in Colorado. I thought I would share a few of my thoughts too.

As Senator UDALL said, our State is in the midst of unprecedented flooding that has wiped out entire communities in over a dozen counties across Colorado. Last week rain began to fall across our State, across the Colorado Front Range, and it didn't let up. A lot of reports have termed this historic, but to get your head around the scale and scope of the damage it is important to express what that means in hard numbers.

In the course of 1 week, 21 inches of rain fell in parts of Boulder, including over 9 inches on September 12 alone. The previous alltime high for a single day in Boulder was 4.8 inches in 1919, and they have kept records since 1893. The average annual precipitation in Denver is 14.9 inches—for an entire year. On September 12, 11.5 inches poured down in Aurora. Just to give a sense of the order of magnitude, that is almost as much rain as it typically gets in 1 year—in 1 day. It was the same story all across the Colorado Front Range. The result was flooding, destruction, and tragedy on an unprecedented and unmanageable scale.

Based on the latest estimates, over 17,000 homes were seriously damaged, over 1,500 homes were completely destroyed, and over 2,300 agricultural properties were flooded. In just Larimer County alone, they estimate that 200 businesses were destroyed and 500 more were damaged. At least 30 highway bridges were destroyed, and at least 20 more were seriously damaged. Hundreds of miles—hundreds of miles—of major roads have been washed away, as Senator UDALL said. The floodwaters consumed more than 2,000 square miles across 15 counties along the Front Range—an area about twice the size of Rhode Island. Because the rain is just finally letting up and emergency officials are only beginning to measure the magnitude of this rain, these numbers could easily go up, and they could go up a lot.

As recently as yesterday morning, 4 days after the flooding reached a crisis, over 1,000 Coloradans are still stranded and awaiting evacuation, with hundreds still not accounted for. Tens of thousands were forced to evacuate, and many had to abandon their homes within minutes, grabbing whatever they could carry and wading through rising waters to seek shelter and safety. Most tragic of all, eight Coloradans are either confirmed or presumed dead as a result of this storm. Those are just some of the numbers and a taste of the pain this disaster has brought to cities and counties across our State.

As Senator UDALL mentioned, over the weekend I joined him and Governor Hickenlooper and others on a helicopter tour of the damage, and from the air the scope and scale of the destruction boggles the mind. Here is some of what we saw. These photos were taken from the Denver Post and other media.

Here is an image showing dozens of vehicles flooded in Greeley, CO.

Here is a home and a car stranded after a flash flood destroyed a bridge near Golden. Dozens of other bridges also collapsed.

This is a picture of the Big Thompson River washing out the Loveland Water Storage Reservoir.

In this picture, young Casey Roy, 9 years old, is looking through a window into her family's basement under 3 feet of water. And there are thousands of families in Colorado just like Casey's.

Finally, this image shows the Big Thompson River overflowing and tearing apart Colorado U.S. 34 in the Big Thompson Canyon—another example of the damage to the infrastructure across our State.

Madam President, how much time is remaining?

The PRESIDING OFFICER. No time is remaining.

Mr. BENNET. I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNET. I won't go on too much longer, but in addition to showing these images, I do want to pass along a few of the stories we are hearing from Colorado families from the past week.

In Jamestown, a small mountain community of just a few hundred people in the mountains northwest of Boulder, a mudslide destroyed the home of 72-year-old Joey Howlett, a pillar of that community. It killed him. In the hours that followed, Jamestown residents pooled their resources so that no one was without food or shelter. The town, isolated from outside assistance, was literally split in two by the flood, so they rigged a pulley system to carry food, medicine, and supplies across the rising waters to fellow townspeople.

Just outside of Lyons, CO, four adults, three children, and two dogs had to scramble up hills and across ledges with no trails to escape the floodwater. At one point they literally had to make a human chain across waist-deep water so nobody would be carried away. These are a few of the thousands of stories from across our State.

We know these floods are devastating. We know the loss some Colorado families feel today is beyond words. We know some have lost loved ones, and many others have lost homes and businesses that took them decades to build. But stories such as this remind me Coloradans are resilient, that the worst disasters often bring out the best in our neighbors. All across the State we have seen Coloradans of different ages, backgrounds, and beliefs pull together and help each other get through this massive storm. We saw real heroism a thousand times a day as first responders and National Guardsmen risked life and limb to carry the young, the old, the vulnerable, and the injured to safety.

I close by saying thank you to the FEMA Administrator for his prompt response to our request to declare a disaster. He would not let me leave the floor without saying that if you are in Boulder, Weld, Adams, or Larimer Counties, and impacted, you can go to

disasterassistance.gov or call 1–800–621–FEMA to register for disaster assistance.

As we move from rescue to recovery, frustration and enormous challenges lie ahead. We know in the coming weeks, months, and even years Colorado is going to face a lot of rebuilding, and we will rise to this occasion. We will build it back better than it was before it was destroyed. We are going to fight every day for Colorado families, many of whom have lost everything, to make sure they are getting the support they need.

ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS ACT OF 2013

The PRESIDING OFFICER. Under the previous order the Senate will resume consideration of S. 1392, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1392) to promote energy savings in residential buildings and industry, and for other purposes.

Pending:

Wyden (for Merkley) amendment No. 1858, to provide for a study and report on standby usage power standards implemented by States and other industrialized nations.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT CORRECTION

Mr. DURBIN. Madam President, it is one thing for a politician to say he misspoke and another for most ordinary people to say they got it wrong.

I made a statement on the floor of the Senate earlier this morning which turns out was not entirely accurate, and I would like to clarify it and correct it for the RECORD.

I was recounting the history of the Social Security Program created by Franklin Roosevelt in 1935, and recounted that it faced a filibuster in the Senate. I mistakenly believed it was a Republican filibuster when in fact it was a filibuster by Senator Huey Long, a nominal Democrat, who was filibustering because of his support of certain agricultural subsidies. I want the RECORD to be clear the filibuster to delay or in any way impact the implementation of Social Security was in fact by Senator Long, not a Republican filibuster.

I also note the information I used on the floor was derived from a book which I am reading entitled ''Citizens of London'' by Lynne Olson, and it is no reflection on her that I got that fact wrong. I remembered it wrong when I spoke to it on the floor.

The Washington Post is going to go to great lengths tomorrow to explain my other errors in my statement, and I acknowledge I could have done more research before coming to the floor, but I stand by the premise that the notion we are somehow going to filibuster the Affordable Care Act to delay its implementation is not in the best interests of the United States. If this bill or law needs amendment or repair, let's do it on a bipartisan basis, rather than voting 41 times, as they have in the House, to abolish it.

I also believe it is valuable for this country to face the cost of health care. If we are going to deal with America's debt and deficit, we have to acknowledge that 60 percent of it relates to health care costs. The Republican side has not come up with any alternative to deal with this health care crisis. We believe the President's legislation—which I proudly supported—is a step in the right direction. It can be improved. I will work to improve it. But simply saying we are not going to allow it to be implemented is not a positive effort to improve the situation in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, as bipartisan discussions go on over the next hour or two on the important Shaheen-Portman energy efficiency legislation, I wish to take a few minutes to outline where we are, why this bill is so important, and how it is going to affect energy policy deliberations generally.

I appreciate the work of colleagues on both sides of the aisle. I see Senators from both sides who I believe would very much like to see Democrats and Republicans work on an agreement to move forward on the Shaheen-Portman legislation.

When you look at this bill, it is almost the platonic ideal of how consensus legislation ought to work in the Senate. You have in effect a bipartisan Energy and Natural Resources Committee. We are very pleased the Presiding Officer has joined the committee very recently.

This bipartisan committee, taking a piece of bipartisan legislation authored by Senators SHAHEEN and PORTMAN, two of our most thoughtful Senators—took their bill to the floor of the Senate and hour after hour the bill got more bipartisan, starting with the distinguished Senators INHOFE and CARPER, who came with a thoughtful amendment with respect to thermal energy. The list went on and on. Senatorial pair after senatorial pair came to the floor and said they wanted to show law-making 101 is Democrats and Republicans working together in a bipartisan way and to respond to what we have heard Americans say all during the summer break. No matter what part of the country you are from, the message was the same: Go back and deal with the important issues for the economy. Let us expand the winner's circle in a middle-class-driven economy. That is what this legislation does. It is going to help create jobs, it is going to allow consumers to save money through practical energy savings, and it is going to increase American productivity.

It is an extraordinary coalition that has assembled for Senator SHAHEEN and Senator PORTMAN's legislation: Business Roundtable, National Association of Manufacturers, and environmental groups, public interest organizations—an incredible breadth of support for this bill.

What I have been struck by in discussions, particularly over the last 24 hours, is this question: OK, the Senate is now finally on energy legislation. We actually did a major bill right before the August recess, the hydropower bill. Hydropower is the biggest source of clean power in the country right now, 60,000 megawatts, essentially, of potential production delivery out of that legislation. But this is the first bill to actually be on the floor of the Senate since 2007.

A number of Senators have said we have got this huge pent-up demand to work on energy, and now we have scores of amendments coming in on this bill—perhaps as many as 60 amendments that Senators want to offer. Obviously, we could probably be here until New Year's Eve working on this legislation if we have scores of amendments coming in. What I have tried to tell Senators is, We can't do everything under the Sun—literally and figuratively—with respect to this bill and still be able to move on to other subjects. We would not be able to deal with the continuing resolution and a whole host of other issues the Senate has to tackle. So there has to be some limits.

My hope is that agreement can be worked out on several of the issues Senators have felt most strongly about. Then if Senators REID and MCCONNELL can work out an agreement to have a finite number of amendments that will address energy issues, hopefully bipartisan, we can then move to a vote on energy efficiency. It seems to me there is no reason why, theoretically, that could not be done this week. If we have votes on a couple of these issues through a procedural agreement that would address what Senators have been debating over the last few days and then the leaders come up with a finite list of amendments on the other issues, we could finish this bill this week. I think it is important for the institution to do so.

I say to Senators who want to debate a variety of energy issues that deal with, for example, the EPA, we can't do all of those issues on this bill. The energy committee doesn't have jurisdiction over those issues. Those are going to come up. On some of what Senators are most concerned about, the government hasn't even acted yet. In other words, it is one thing to have a response from the Senate after an agency has acted. On some of these matters, the agency hasn't even acted yet. So it ought to be possible to find a path forward that would allow for votes on several issues that have been

debated since the middle of last week. I think there is a way to do that if we can get an agreement on a finite list of additional amendments so both sides could have some other questions aired and we could vote on energy efficiency.

The reality is on the question of energy efficiency, those who are most knowledgeable on the subject say our country has plenty of room for improvement. As of 2011, our country ranked ninth out of the top 12 global economies in the amount of energy it uses to generate every dollar of goods and services it produces. This is what is commonly known as energy productivity. This is not a hypothetical exercise. As of 2008, industries consumed about one-third of the total U.S. energy use. The biggest users were chemicals and petroleum refining, pulp paper, iron and steel, and obviously other important industries are energy intensive as well. A lot of those employers know using less energy means lower costs and higher margins. Especially larger companies are in a position to take the steps that will allow them to tap those financial gains. But the small and medium-sized companies often don't have the technical expertise to know about which upgrades are going to make the biggest difference.

Here we have this bipartisan bill, and without putting any mandates on the private sector—not a single mandate on the private sector—this bill takes three steps that can help our small companies—the kind of company that dominates Oregon and Wisconsin and others as well. With this legislation, these small companies are going to be able to be more competitive.

First, the bill tells the Energy Department to reach out to the small and medium-sized businesses and make their experts available so the small businesses can learn directly what the commercially available energy-efficient technology is in their area that will allow them to become more competitive.

Second, it creates rebate programs to encourage manufacturers to replace some of their inefficient equipment, particularly motors and transformers. These are two pieces of equipment in particular that have long service lives and often get rebuilt instead of replaced because of the high cost of replacement.

Finally, the legislation establishes a program called Supply Star to recognize companies that have successfully made their supply chains more efficient—once again, voluntary, modeled after the ENERGY STAR Program. I offer that in this debate about what the role of the government is in an ''all of the above'' energy policy, these kinds of approaches that have a market-driven orientation, that are voluntary in nature, are ones that I think are going to allow our country in the days ahead to keep ahead of the competition.

In wrapping up, we do have, apparently, over 60 amendments filed. A significant chunk are them are not on the topic of energy efficiency. I see that the distinguished Senator from Ohio is on the floor, Senator SHAHEEN is on the floor, as are others who have strong concerns and are going to look to see if we can put together a bipartisan approach over the next few hours. I ask Senators to focus on what is doable, which is to have votes on the several issues that have been debated over the last few days, and then come to a finite agreement on the rest of the issues that would be offered—hopefully by colleagues on both sides of the aisle. Then we can vote, quaint as the idea might be, on an energy efficiency bill, which is the topic that has been before the Senate since the middle of last week.

I note that the Senator from Ohio is on the floor. He brought a good bill, with Senator SHAHEEN, to the floor in the middle of last week. It got better with the Inhofe-Carper amendment on thermal energy; the Landrieu-Wicker amendment, which helps us make better use of the green building certification system; the Hoeven-Pryor amendment that allows the continued use of grid-enabled water heaters to make utility management programs more efficient; the Sessions-Pryor and the Landrieu-Wicker amendments that reduce regulatory burdens on testing consumer products; the Bennet-Ayotte amendment on commercial buildings; the Pryor-Alexander amendment to look at how the review process works in terms of planning our energy future; the Isakson-Bennet amendment to look at home efficiency during mortgage underwriting.

When you think about this, the reality is you seem to know more about the energy efficiency of the products you have around your house, such as a toaster, than you do about a major—really an extraordinary purchase, such as a home. So we have a bipartisan duo in the Senate, Senator ISAKSON and Senator BENNET, wanting to address it. It is a terrific amendment, in my view.

Then there is the Bennet-Coburn amendment and the Udall-Risch amendment—saving taxpayers money by saving energy in the Federal computer data centers—and Senator KLOBUCHAR and Senator HOEVEN trying to make our nonprofits make better use of their energy because with that tax status it is hard to qualify for some of the opportunities to save energy.

I could go on, but it just highlights how a bipartisan committee took a bipartisan bill from Senator SHAHEEN and Senator PORTMAN and then a big group of bipartisan Senators made it better. And that is what we could pass, and we could do it this week.

For all the Senators who have said there is this pent-up demand since the Senate has not been dealing with energy since 2007, I say the only way we can really get to all those topics is to pass a bill such as this that does have a finite list of amendments, and then let's vote on Shaheen-Portman.

Several of my colleagues are on their feet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I appreciate the comments of the chairman of the Energy and Natural Resources Committee regarding this Energy bill and his suggestion of a way forward. We did have a good debate last week—not just on the underlying legislation but also, as he indicated, on seven different bipartisan amendments. I know we have a couple of colleagues interested in coming to the floor today to talk about additional amendments. We have an opportunity to actually come together as Republicans and Democrats with a good bill but to improve it through some of these amendments that have been discussed on the floor.

We do need a way forward. We need to know we are going to have the opportunity to have good debate on these issues, to have votes on these issues. Specifically, I know Senator VITTER is going to speak in a minute on his amendment. I hope he will be given a vote on his amendment. I understand there is an interest in doing that and perhaps allowing the other side to have their point of view expressed as well, along with his vote. If we can have that move forward, my understanding is that then we would be able to agree to a series of amendments, perhaps an equal number on each side.

I am looking at a list here of about a dozen amendments that are truly bipartisan. I am looking at another list of maybe 20 amendments that people on our side of the aisle are interested in offering, some of which are directly related to energy, some of which are not. I am hopeful we can come up with some time agreements that are reasonable and come up with a list that makes sense. The alternative is for us to turn our backs on an opportunity here to help grow our economy, to reduce our imports of foreign energy—specifically oil. We will miss an opportunity to save taxpayers a bunch of money by forcing the Federal Government to be more energy efficient, to practice what it preaches.

Finally, we have an opportunity before us to have a cleaner environment and to have one of the important legs of an ''all of the above'' energy strategy not just debated on the floor but actually passed by the Senate and would then go to the House, where there is a lot of interest on both sides of the aisle in together doing something comparable, and go to the President's desk for signature and actually be able to move the country forward in the way I think is needed, which is a national energy plan that takes into account producing more energy, as we talked about last week. I am interested in ensuring that we use the resources we have here in the ground in America but also using that energy more efficiently. It makes too much sense for us to allow this opportunity to go by.

I am hopeful that even in the next few hours here we can come together with a list of amendments that make sense, that we can move forward by allowing the Senate to express its view on the Vitter amendment and other amendments on both sides of the aisle that come forward but also move this underlying legislation forward at a time when, frankly, we need a little bipartisanship around here, at a time when we seem to be gridlocked on so many big issues. Maybe by finding a way forward on the relatively narrow issue of energy efficiency—one where there is a lot of consensus, one where there is a lot of common ground, frankly—we can find a model for dealing with some of the bigger issues.

We do have some time this week to do this; however, the continuing resolution is likely to come over from the House soon. I hope it will because we have to deal with that issue before the end of the month.

My urging of my colleagues is, if you have not already come over to talk about your amendment, please do so today, understanding that you will not be able to offer it in an official manner. You will be able to talk about it, which will help expedite the process later as we begin moving on these amendments, which I hope we will do again even after coming up with this agreement today. And then if you have an amendment you do not think is on this list, please be sure to tell us right away.

I do think getting this across the finish line should be something Republicans and Democrats alike can agree to. I am not suggesting that everybody is going to vote for it, but I think everybody should be willing to let us have a chance to move to this legislation.

By the way, it is endorsed by over 260 groups, including the U.S. Chamber of Commerce, which decided to key vote the legislation late last week. As they looked at some of the these amendments and the underlying bill, they thought it was important enough to key vote it. But it is not just the U.S. Chamber of Commerce, it is the Alliance to Save Energy, which is a group that has worked on this legislation with us for almost 3 years now, and it is also the National Association of Manufacturers and the environmental groups, including NRDC. It is an unusual combination when you have business groups and environmental groups saying: This makes sense. It helps make our economy more competitive, helps create jobs, and gets us away from our dependency on foreign oil. It actually makes the environment cleaner. That is a combination we do not see often.

My hope is that we will move forward, and I again urge my colleagues to come forward to help us move forward by talking about your amendments today so that when we have a chance to move forward officially on these amendments, we can do so expeditiously.

I see my colleague from New Hampshire Senator SHAHEEN is on the floor. I know she is speaking with her side of the aisle as I am talking to my side of the aisle to try to come up with a list of amendments to which we can agree within a reasonable timeframe, and I am hopeful we can move forward with that in the next few hours.

I yield back my time and look forward to talking about some of these amendments as people bring them to the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Madam President, I wish to commend my colleagues Senators SHAHEEN and PORTMAN for their work to bring this legislation to the floor. I commend as well Chairman WYDEN and Ranking Member MURKOWSKI for their leadership in the energy committee.

Fully half of the energy we use in this great country is wasted. That is a fact we can no longer afford to ignore. Each one of us is able to make changes in our daily lives to increase our energy efficiency. There is no kilowatt hour, no Btu more valuable than the ones we do not actually use in the first place. But it is clear that we are going to have to do a lot more than turn the lights out when we leave home to be a leader in the world in this field.

As the largest energy consumer in the United States, I think the Federal Government has not only an obligation but also an opportunity to lead by example when it comes to energy performance. We know that buildings are the largest energy consumers in the United States today. Accounting for over 40 percent of our use, they offer the greatest opportunities for energy savings.

Over the summer I had the opportunity and the privilege of joining the Department of Energy in presenting the Brackish Groundwater National Desalination Research Facility—that is a mouthful, I know. It is an important research facility in New Mexico, in my home State. We presented them with a Better Buildings Award on behalf of the DOE. The Federal Energy Management Program designed those awards, the Better Buildings Awards, to encourage significant reductions in energy usage in Federal buildings all across the country—reductions that go above and beyond the current codes and mandates that exist.

What the team at the desalinization research facility accomplished was nothing short of truly impressive and an example of what is possible with legislation such as this and in the field of energy efficiency. They were able to save approximately 300,000 kilowatt-hours per year—an annual savings of $42,000. That is a remarkable 53.6 percent of their former energy footprint at a time when that research facility was actually increasing the amount of research going on. They did this through thoughtful analysis, by implementing both active and passive energy conservation techniques, and with a capital investment of literally less than $800. For $800 and some engineering expertise, this research facility was able to save the taxpayers over $40,000 last year—$40,000 next year, $40,000 the year after that and into the future. That is a window into why this kind of legislation is so important and why we ought to be able to find common ground when it comes to energy efficiency.

I would also like to touch on another area of rapid energy innovation that is relevant to this legislation—the lighting sector. Lighting consumes 22 percent of the electricity that is generated in this country. That is $50 billion per year for consumers across the United States. In Albuquerque, Sandia National Laboratories is accelerating advances in what is called solid state light, or SSL, which is a rapidly evolving technology with the potential to reduce energy consumption in lighting by a factor of three to six times. My colleagues may have seen some of the new solid-state lights if they have been to Home Depot or Lowe's or their locally owned hardware store. These light bulbs are so efficient that when I was installing a couple in my son's bedroom a few weeks ago, I could literally put my hand on the light bulb because they make such good use of the energy they use.

Sandia has worked in solid-state lighting for a long time and their SSL Science Center is exploring new energy conversion techniques in tailored photonic structures. Drawing on their long history of research and development in this area—and, frankly, working closely with both university and private sector partners—they are working to understand the mechanisms and the defects in SSL semiconductor materials so they can make these already incredibly efficient light bulbs even more efficient.

Sandia is also investigating the basic conversion of electricity to light using radically new designs that can take these things even further—things such as luminescent nanowires, quantum dots, and even hybrid architectures that may be the bright light bulb of the future. This is progress driven by basic research and science—the kinds of investments that, frankly, have made our country great and made our economy so strong.

The Shaheen-Portman bill will spur the use of energy efficiency technologies such as these, where all of us live and work and, in turn, will lower utility bills for consumers and save money for taxpayers. Furthermore, this bipartisan bill will strengthen U.S. competitiveness by stimulating significant private sector research and development investments in manufacturing innovation and productivity.

Investing in energy efficiency is one of the fastest as well as the most cost-effective ways we can grow our economy. It is estimated that this measure alone—just this piece of legislation—would help create 136,000 new jobs by

2025 and, by 2030, the bill would net an annual savings of over $13 billion—billion with a ''B''—for consumers, and lower CO_2 emissions and other air pollutants by the equivalent of taking over 20 million cars off the road.

My home State of New Mexico is already capitalizing on a highly diversified but rapidly transforming energy sector. It stands to benefit from leveraging investments and efficiency projects and native technologies.

Through American ingenuity we can slow the effects of climate change and unleash the full potential of cleaner homegrown energy, creating a stable and healthier nation for future generations of Americans.

So instead of transforming this debate about what is fundamentally supposed to be a debate about energy efficiency into another tired battle over ObamaCare, I urge my colleagues to embrace the fact that this bill truly represents the culmination of years of bipartisan work to craft a smart, effective energy bill with a good chance of actually becoming law.

I know when I go home—and I have spoken to many of my colleagues on both sides of the aisle who say the same—one of the complaints we hear the most right now is: Why can't you guys just get something done? Why can't you work together on something? This is an opportunity to show we can still legislate, we can come together on the things we agree on, even while agreeing to disagree on many other issues.

Again, I thank Senator SHAHEEN and Senator PORTMAN for working so tirelessly on this bill, I thank the chair and ranking member of the energy committee for making it a priority, and I thank all of the Senators who serve on that committee for working together on both sides of the aisle to see this move forward. I hope as a Senate we will seize this opportunity.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Republican Whip.

NAVY YARD SHOOTINGS

Mr. CORNYN. Mr. President, I wanted to come to the floor the day after a terrible tragedy that befell Washington, DC, particularly those who live and work around the Washington Navy Yard.

Hardly a mile from this building, and in the shadow of its dome, there occurred an act of senseless violence that took the lives of 12 men and women and injured several more, as well as the life of the shooter himself. These men and women worked, by and large, in service to our country, whether as uniformed military or as civilian contractors. Of course, they are more than just the numbers usually ascribed. They are mothers and fathers, brothers, sisters, husbands and wives.

When I heard about this shooting yesterday as I was traveling from Texas back to Washington, DC, I couldn't help but think about a not-too-dissimilar tragedy that occurred about 4 years ago at Fort Hood, TX, when MAJ Nidal Hasan killed about 13 people there as well as injuring more than 30 others.

At this difficult time, we, of course, pray for these souls who were unexpectedly taken from us. We pray for comfort for their grieving families and friends, and we pray that healing may come quickly for those who were wounded.

We witnessed evil yesterday, but as so often is the case when the unthinkable occurs, accounts of tremendous bravery and self-sacrifice emerge. I found some small measure of solace in one such story I read. It described how one gentleman at the scene—a man by the name of Omar Grant—guided his partially blind colleague to safety. As shots rang out and people ran for the exits, Mr. Grant took his colleague by the arm and, risking his own safety, made his mission to guide him out of the building. This, of course, says nothing about the remarkable feats of bravery of the first responders who rushed to the scene and who placed their lives at risk in order to preserve the safety of others ahead of their own.

Yesterday's events remind us life is fragile and it is a precious gift. Let us express our deep gratitude for those who work around the clock, both in places such as the Navy Yard and here at the Capitol, to help keep us safe. I wish to thank the DC Metropolitan Police for their important role, the U.S. Capitol Police, and all the first responders for their extraordinary response. Their courage, their vigilance, and their sacrifice is what helps keep all of us safe, all of us who work here and visit our Nation's Capital. We thank them and we promise, on behalf of a grateful nation, we will never forget.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I was very happy to hear the description of a possible path forward from the floor manager for this bill a few minutes ago, and I welcome that path forward. It is completely consistent with the UC I offered many times last week that was, unfortunately, then rejected. Hopefully, it will now be accepted so we can have a path forward and have votes on so many amendments brought to this bill about energy, on my amendment, and on other significant topics. It certainly sounds as though the discussion at the majority lunch today was, let's say, more appropriate and more productive than the discussion last Thursday. I look forward to that path forward.

As we hopefully build on that path forward, let me again explain why I think a clear up-or-down vote before October 1 on my amendment is very important and why I am demanding it. It is not my choosing that this happen in terms of this illegal OPM rule, it is not my choosing this October 1 deadline has been created, but that is exactly what has happened, which demanded that I act with my amendment which, in general, I am joined with the support of several colleagues and I appreciate their partnership and their help.

This all began in the ObamaCare debate—in our debate and in our legislating—on the ObamaCare bill. In that process a Grassley amendment was accepted that said in clear and no uncertain terms that every Member of Congress and that all congressional staff would go to the so-called exchanges, no ifs, ands or buts. The purpose of that language was crystal clear. The message was whatever the fallback plan is for all Americans—first it was the public option and then it became an exchange—whatever that fallback plan is for all Americans, that is what every Member of Congress and that is what congressional staff should go to. There should be no special deal, no special exemption, no special subsidy; that is what we should live by. I certainly supported that language. It goes to what is a fundamental rule of democracy: The governors should live by the same rules as the governed, across the board.

Our Founders actually talked about that specifically. James Madison, a coauthor of the Federalist Papers, wrote Federalist No. 57 specifically about this point, and a central theme in that Federalist No. 57 was exactly this: What is good for America is good for Washington. The rule for America should certainly be the rule for those who have the particular honor and responsibility to help govern, and that should be the case across the board, certainly including ObamaCare. That is why that provision got into law, passed into law, and was signed into law by President Obama.

After that, I guess we sort of experienced what NANCY PELOSI described about ObamaCare, which was we had to pass the law to find out what is in it. After the law was passed, several folks around here on Capitol Hill and in Washington read the law, read that particular provision, and they said: Oh ''you know what.'' They said: Wait a minute, look at this, and they correctly noted the clear language demands that all Members of Congress, all congressional staff, go to the exchange, and, clearly, our current subsidy for health care does not follow us there. In fact, there is a specific other section of ObamaCare that says quite clearly that when an employee of a business goes to the exchange, that employee's employer contribution for employer-based health care does not follow him or her to the exchange.

Again, when a lot of folks around here, after the fact, read what was then the ObamaCare law on that point, they said: Oh ''you know what.'' That is when a lot of scurrying started, a lot of gnashing of teeth, a lot of scheming, a lot of discussion, and ultimately a lot of lobbying of the President and the Obama administration. Sadly, it was bipartisan, I believe, a lot of folks

pushing to have the Obama administration simply issue a rule, a regulation that fixed all of this.

The problem is pretty simple, pretty straightforward, and pretty important. We are not supposed to issue a rule or regulation that is contrary to the statute, and that is what these folks were lobbying for and, sadly, that is what they got.

Right as Congress was going into the August recess, safely leaving town, the Obama administration issued this OPM rule that my language is all about. That rule is flatout clearly illegal on two grounds.

First of all, under this proposed OPM rule, every Member of Congress gets to decide for himself or herself what staff members are even covered by the mandate to go to the exchange at all. That is ridiculous, and it is directly contrary to the clear, unmistakable language in ObamaCare. That language says all official staff go to the exchange. Now this illegal OPM rule is going to say: Well, it did not really mean all official staff; it just meant whoever any individual Member of Congress decides. That is ridiculous and that is illegal.

The second part of the OPM rule is just as illegal, just as ridiculous, just as objectionable, and it says: Whoever does go to the exchange—Members of Congress and whatever staff do go to the exchange—they get to bring along with them their big taxpayer-funded subsidy from their previous Federal Employee Health Benefits Plan.

Well, wait a minute. ObamaCare does not say that. In fact, there is a separate provision of ObamaCare that says the opposite, that says when an employee goes to the exchange from a business, that employee loses his or her employer contribution—a specific part of ObamaCare directly contrary to what this illegal OPM rule is trying to do.

So, again, the attempt is simply to rewrite the law by administrative fiat, yet again to create another exemption from ObamaCare, if you will, that is nowhere in the statute. That is wrong, that is illegal, and that demands action. That is why I, with several other Members—House and Senate—came up with this language.

This language I am proposing on the floor now as an amendment would stop this illegal OPM rule. It would say exactly what ObamaCare says now: Every Member of Congress, all of our staff, must go to the exchange and operate under the same rules as all other Americans—no special deal, no special exemption, no special subsidy. No other American gets this fat employer subsidy in going to the exchange, nor should we. That is not in ObamaCare, and there is a specific section of ObamaCare that, in fact, says the opposite. So my language on the floor now would say that and would broaden the rule, appropriately, to the President, the Vice President, and all of their political appointees.

The clear intent of this provision in ObamaCare from the beginning was that what is good for America has to be good for Washington, whatever cards America is dealt, including that fallback plan—originally it was proposed as the public option; now the exchanges—that should be what is imposed on Washington. No special plan, no special deal or exemption or subsidy; what is imposed on America needs to be imposed on Washington.

That is true under ObamaCare. That should be true across the board today, just as it was true in the eyes and minds and hearts of the Founders. Again, James Madison, in Federalist No. 57, wrote specifically on this point. This basic first rule of democracy goes back that far.

That is why I come to the floor and demand a vote. It is an explicit reaction to an illegal rule—a rule issued by the administration beyond the President's authority, with no basis in the ObamaCare law, in fact, with provisions of the ObamaCare law that are directly contrary to it, and a rule that is set to take effect October 1. So we must vote now.

That is why, again—to come back full circle to the comments of the distinguished majority floor leader on this bill—I welcome the path forward he was describing. That is exactly the path forward I set out last week in my UC request. So let's vote. Let's do what this institution is supposedly set up to do. Let's vote on this very important, very timely issue. Let's vote on other amendments on the bill. Let's vote on the bill. Let's move forward in that appropriate and productive way.

Thank you.

With that, I yield back the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am here to speak to the Shaheen-Portman legislation that is on the floor, the Energy Savings and Industrial Competitiveness Act. But I have to start by responding to my colleague from Louisiana because, first of all, I appreciate that he wants a vote on this issue of the OPM ruling. There are a lot of things I would like to see a vote on, and I understand he is saying he is not opposed to the bill, which I very much appreciate. But the fact is, he chooses to be here to hold up this bipartisan piece of legislation at a time when we can get some real agreement on energy legislation coming out of the Senate—the first time since 2007 we have had an energy bill on the floor.

This is a bipartisan energy bill. It is a bill that has over 16 bipartisan amendments that have been vetted by the energy committee, that have support not just from the chairman of the energy committee and the ranking member but from the committee staff, from Senator PORTMAN and myself. We think we have a real opportunity to pass this bill and to make it even better because of all of these bipartisan amendments. But my colleague from Louisiana, Senator VITTER, is refusing to allow us to get these votes because he wants a vote on his amendment.

I am happy to take a vote on his amendment. I would like to be able to clarify for the record the OPM ruling. I think there is a lot of misinformation—people who are calling to say that Members of Congress are not going to be in the exchange. Well, the fact is, Members of Congress who choose to continue to have their health care through the Federal program are in the exchange, as are our staffs. But we are not asking other large employers such as the Federal Government to eliminate the employer share of health care, as Senator VITTER would ask—that the Federal Government eliminate its employer share of health care for all of our staffs who are working for the Federal Government.

I do not think the American people believe the employer's share of health care should be eliminated. I think we have a system of health care that is employer based, and the system we have in the Federal Government is going to continue to be employer based as well. That means the Federal Government will pay a share of health care.

I think this is a debate we ought to have because I think there are a lot of people who are on the extreme right who want to be disingenuous about what is going on here. They are interested in spreading misinformation about what is happening with the health care law because they cannot believe Congress passed the Affordable Care Act, that the Supreme Court upheld the Affordable Care Act, and that, in fact, we are already seeing the benefits for people across this country from the Affordable Care Act.

We are seeing people who have had previous illnesses—so preexisting conditions—who are no longer going to be denied health insurance because of the Affordable Care Act. We are seeing people who can stay on their health care—young people—until they are age 26 because of the Affordable Care Act. We are seeing people who no longer have lifetime limits on what their share is for health insurance when they become ill. We are seeing people who are in the doughnut hole with their prescription drugs who are getting help for those prescription drugs. So I am happy to have that debate on the Affordable Care Act. But now is not the time to do it. This is a time when we can get some real agreement on energy efficiency, on an energy bill that, as the American Council for an Energy-Efficient Economy has said, would create 136,000 jobs by 2025, that would save consumers billions of dollars by 2030, that would be the equivalent of taking millions of cars off the road. It is a win-win-win, and it is a bill that has not just considerable bipartisan support in this Chamber but it is a bill that has support from groups that are as far apart as the American Chemistry Council and the Sierra Club, groups that do not normally come together on a bill—over 260

groups. That list is growing every day, private businesses that say: The way we need to begin to address our energy challenges is by saving energy. The cheapest, fastest way to address our energy needs is through energy efficiency.

This is a bill that does not depend on whether you support fossil fuels or new alternatives. The Presiding Officer knows we can support coal, investments in coal, and still support energy efficiency. We can support wind and still support energy efficiency. We can support solar and still support energy efficiency. We can support more drilling and still support energy efficiency.

This bill is a win-win-win, and we need to get on the bill. We need to get those people who would rather debate issues that are extraneous to this legislation to hold those debates for a later time.

As I said, I am happy to continue to debate health care. Even though we have been debating it now for the 4 years since the bill has been passed, I am happy to do that. But now is not the time to do that.

So, Mr. President, I will yield the floor and hope we can reach some agreement that will address Senator VITTER's concerns, that will address some of the other concerns that have been waiting that will allow us to move forward on an energy bill that is in the best interests of the country.

Thank you.

The PRESIDING OFFICER. The Senator from Utah.

NAVY YARD TRAGEDY

Mr. HATCH. Mr. President, to begin, my thoughts and prayers certainly go out to everyone who was impacted by the horrific events of yesterday at the Navy Yard, particularly to those whose loved ones lost their lives or were injured in what is a senseless tragedy.

Having said that, I also want to express my gratitude to the brave men and women who serve in our Nation's military for the sacrifices they make for each and every one of us and to the first responders and law enforcement personnel who work tirelessly to assist those in need and to keep us all safe throughout the day.

It was a dreadful day. I know there is little I can say or do to bring comfort to those who are suffering today, but I hope and pray they will find some measure of peace in the coming days.

Mr. President, I wish to take a few minutes to speak about some of the problems we face as the administration continues to struggle with the implementation of the so-called Affordable Care Act.

It seems as though nearly every week we learn about another problem facing the Obama administration as they seek to implement this misguided law. More often than not, those problems are revealed through statements announcing delays in certain elements of the law.

The employer mandate? Delayed. The small businesses health insurance market? Delayed. Employee automatic enrollment in the exchanges? Delayed.

Of course, this should not come as a surprise to anyone. This is, after all, the largest expansion of government in a generation. And it is not as though it was carefully crafted. No. The President's health care law was rushed through Congress in a partisan fashion, virtually ensuring it would face problems when the rubber meets the proverbial road.

For months now, experts have been warning us about ObamaCare's failings and the challenges those failings pose as the administration tries desperately to have something ready to implement by October 1.

One of the major parts of ObamaCare is the health care exchanges. These are designed to be online marketplaces where those without health insurance will be required by law to shop for coverage.

Millions of people are expected to sign up to purchase insurance through the exchanges. As a result, the exchanges are expected to have a massive impact on the overall insurance market, even affecting those who get their insurance elsewhere.

Make no mistake, ObamaCare's health insurance exchanges will have an impact on every American, regardless of where they get their health insurance.

That being the case, one would reasonably assume the administration would not move forward on the exchanges until they were ready. Unfortunately, when it comes to implementing the President's health care law, reason does not appear to enter into the equation. Despite countless red flags, the administration is charging ahead. They are, to say the least, desperate to avoid another delay when it comes to ObamaCare. So come hell or high water, the exchanges will go live on October 1 of this year.

This is problematic for numerous reasons, not the least of which are the privacy and security considerations that up to now appear to have been ignored by the administration officials. When people sign up for insurance through an exchange, they will be required to submit their Social Security number, tax returns, household income information, and the like. This is, to say the least, highly sensitive information.

In recent months, we have seen government-certified security systems have been shown to be less than reliable when it comes to protecting personal information. This past July, for example, the IRS accidentally posted thousands of Social Security numbers on its Web site. That was a small mistake with potentially devastating consequences for those who had their information exposed.

The information collected when people sign up for the exchanges will be entered into a Federal services data hub, a new information-sharing network that will allow State and Federal agencies, including the IRS, the Department of Health and Human Services, the Department of Labor, and the Department of Homeland Security, to verify a person's information. It is at this point unclear whether the data hub has adequate security in place to prevent enrollees' information from falling into the hands of data thieves. There are plenty of them out there.

Last month the HHS Office of Inspector General issued a report indicating the government had failed to meet several deadlines for testing operations and reporting data security vulnerabilities involved with the data hub. This, as you might expect, led to an outcry from Members of Congress from both sides of the aisle. As a result, on September 10, the White House conveniently announced that all testing has been completed and that the data hub was ready to launch.

This announcement came a mere 3 weeks before the exchanges were set to go live. Of course, no independent entity will get a chance to verify the testing and to certify that there are, as the administration claims, no security problems. No third party will be able to make recommendations to improve safeguards in order to better protect the privacy of consumers. Instead, we are supposed to simply rely on the administration's internal testing of the data hub security and stop asking questions. This, sadly, is par for the course with the Obama administration.

So here we are. We are mere days away from the launch of the exchanges, and we have yet to definitively prove whether the massive IT or information technology system that will be compiling enrollees' information is secure. What a state of events. To the millions of consumers about to enroll in the exchanges, this could end up being their worst nightmare.

As if the potential disaster surrounding the data hub were not enough, we also have lax regulations regarding the hiring of the so-called navigators who are to help people get through these problems. As you will recall, under ObamaCare, organizations will receive grants to assist the uninsured in determining what type of coverage they qualify for in States where the Federal Government will be running the exchange. The individuals working with those organizations are called navigators. Under the law, they will often have access to enrollees' personal information.

In April HHS published its proposed rule regarding the certification of navigators. Almost immediately Members of Congress recognized the regulations were far too lenient, cutting corners on things such as training and background checks and threatening to leave patients and consumers with inadequate protection.

A group of my colleagues and I sent a letter to Secretary Sebelius outlining our concerns regarding this rule. Our hope was the requirements for navigators would be enhanced to ensure consumers were not harmed by unqualified navigators or imposters serving as government counselors. Sadly, our request

fell on deaf ears. We never received a response.

In late July HHS issued its final navigator rule keeping in place the very weak privacy protections, opening the door for private information to fall into the wrong hands. Consumer watchdog groups are already warning of scams leading to fraud and identify theft with regard to the exchanges. Indeed, it seems criminals and fraudsters are already lining up to game the system and prey on the innocent.

Over the last few years I have come to the floor several times to talk about the shortcomings of ObamaCare. I continue to believe the law is beyond saving, that it should be repealed in its entirety. That remains my No. 1 goal when it comes to ObamaCare. However, I also believe those of us who opposed this law, which, according to recent polls, is a growing percentage of the population, cannot stand on the sidelines and let this law inflict harm on the American people. While we continue to push for a full repeal of the law, we need to do all we can to mitigate the damage that could come from this law.

With regard to privacy and data security, we need to ensure the administration does not expose the personal data of millions of Americans to more fraud. That is why I am introducing the Trust But Verify Act. If enacted, this important legislation would delay the implementation of the Federal and State health insurance exchanges until the Government Accountability Office, in consultation with the HHS inspector general, can attest that the necessary privacy and data security parameters are in place.

It would simply be irresponsible to open the exchanges without adequate safeguards to protect and secure consumers' personal information. While the administration claims these safeguards exist, there is simply no way to verify these claims absent an independent review, which they are not taking. Until we can demonstrate to the public their personal information is secure, we should not move forward with enrollment in the exchanges. It is that simple. My legislation would ensure the exchanges remain on ice until this threshold issue is addressed. These are not frivolous concerns; these are real problems. I hope all of my colleagues, even those who continue to support the President's health law, will work with me to help address these issues.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, first, let me commend the chief cosponsors of this bill, Senators SHAHEEN and PORTMAN, for their perseverance and their great leadership on this issue. I am a wholehearted and passionate supporter of this cause and urge my colleagues to address what is truly a triple play.

This bill is a way to win for employment and economic growth. It is a way to win for energy savings and financial savings for our manufacturing companies, to make America more competitive. It is a way to win for our planet, indeed, to help save our planet along with saving money and saving energy.

I will not only support the bill and the amendments, but I have asked for support for an amendment of my own that would help to measure the nonmonetary benefits of some of the changes that would be brought about by this legislation. I ask Senators PORTMAN and SHAHEEN to accept this amendment and for my colleagues to support it as well.

NEWTOWN ANNIVERSARY

I am here to help commemorate the 9-month anniversary of the tragedy at Newtown that took the lives of 26 wonderful people—20 beautiful children and 6 courageous, skilled educators. It was a commemoration I was going to observe yesterday on the floor of the Senate, but, of course, there was no Senate session yesterday because of yet another unspeakable, horrific tragedy, this one close, literally within blocks of this great building.

It was physically close, but every one of those incidents should be close to us emotionally as Newtown has been for me and others of my colleagues, most especially my friend and colleague Senator MURPHY. It brought back a rush of memories for me because Newtown is still close to us in emotional proximity, just as the Navy shooting was close in physical proximity. The Navy lost 12 of its members. My heart and prayers go out to those great sailors, civilians, and contractors, and their loved ones.

Today we have an inspector general report that is profoundly and deeply troubling. If reports of this audit are true, the Navy put the safety of personnel at risk to save dollars and cents. This apparent security lapse, permitting people with criminal records to freely access military bases and facilities, is deeply concerning, indeed shocking. I call on the inspector general to release the full report. I have the report. I have reviewed it briefly. I cannot talk about its contents because it has not been released. Make this report public so we know what the inspector general of the Navy has said about lapses of security and about the failures of the RAPIDGate technology that was supposed to protect people at the Navy Yard here in Washington, DC.

Lax safety and security measures at our military facilities is inexcusable. I commend the Secretary of the Navy and the leadership of the Navy for raising this issue and hope they will decide to make public the full report to the extent it can be done so consistent with our Nation's security.

But one of the lessons here is that the Navy, with RAPIDGate technology and all of its facilities with armed guards and the complex technology it uses, could not protect members of its own ranks at the Navy Yard. We should know why. If it could not do so there, can our schools be safe? Can our workplaces be safe? Can America be safe with the present plethora of firearms in our Nation today?

This day was horrific and tragic for America. Yet in many ways it was another day. The threat is these incidents will become the new normal. We need to ask, will these incidents, these horrific, unspeakable tragedies, make a difference? Will they change the political mindset and culture in this body and in the House of Representatives?

In the days to come, we will learn more. There is much more to learn before we draw conclusions. I emphasize the facts are disclosed one by one even as we watch the news. We will try to wrap our minds around whatever evil motive caused this senseless crime, but we know the means all too well. The moment shots rang out and the blurb came over the news wire, we knew with an instinctive understanding this unfolding incident was another act of gun violence in America, another act of gun violence in an America plagued by a plethora of guns.

The answer to the question, will it become a new normal, should find the articulate, in fact, deeply powerful words of Janis Orlowski, the chief medical officer of MedStar Washington Hospital Center, the hospital that received some of yesterday's victims, the hospital that deals routinely with gunshot wounds and sometimes deaths. I hope the Nation will hear her plea when she said, in effect, these senseless killings have to stop, stating:

> There's something evil in our society that we, as Americans, have to work to try and eradicate. I would like you to put my trauma center out of business. I really would. I would like to not be an expert on gunshots. Let's get rid of this. This is not America.

When I went to Sandy Hook 9 months ago on December 14, I felt an obligation to go as a public official, but what I saw was through the eyes of a parent, the cries of grief and pain that I will never forget. They will live with me always, loved ones and parents emerging from that firehouse having learned moments before that their beautiful children and loved ones would not be coming home that evening.

Like the loved ones who said goodbye to the 12 victims at the Washington Navy Yard, it was another day, a day like every other day when they expected them to come home to the routine, mundane joys of life. Twenty innocent, beautiful children and 6 great educators did not come home that day. In the days that followed, we all hoped the Senate of the United States would keep faith with those families. In the 9 months since, we have hoped the Nation would keep faith with the 8,158 Americans around the country, the 8,158 victims of gun violence.

Last April, the Senate turned its back on Newtown families. One of the

most difficult days of my career in this job or any other job was to try to explain to those families how more than 90 percent of the American people—a majority of gun owners, in fact many members of the NRA—could back a commonsense measure like background checks, the bill the Presiding Officer and Senator TOOMEY sponsored so courageously and ably—could have that kind of support and yet fail to pass this body. It had 55 Senators supporting it on that day—54 voting for it, but 60 votes were needed. One of the answers, of course, is to change the Senate rules, which I have long supported, to eliminate the filibuster.

The families of Newtown, and those 8,158 Americans, their loved ones, and all Americans deserve a better answer. It is not to accept these mass killings as the new normal, as the commonplace of America. We are better than that normal as a Nation. We cannot accept it. I hope, ask, and pray that the unspeakable, unimaginable tragedy of Newtown and now Washington Navy Yard will renew and reinvigorate this movement and give us impetus, emotional, intellectual, and political, which we need and deserve.

The shooting at the Washington Navy Yard makes clear that, as we said in the wake of Newtown, these kinds of mass killings can happen anywhere, any school, any community—in Newtown, the quintessential New England town, or at the Washington Navy Yard, a supposedly secure military facility. We need to make sure it happens nowhere.

Let us make a mental health initiative a centerpiece of this renewal and reinvigoration of our effort to stop gun violence. Let us combine it with background checks and other commonsense measures. Bring back this issue and these measures.

We are not going away. We are not giving up. Many of the Newtown families will be here again this week. The Newtown Action Alliance has been joined by other groups such as Sandy Hook Promise, Newtown Speaks, and Mayors Against Illegal Guns. They have formed a powerful gun coalition, and I promise I will never give up. I know together we can prevail.

Not long ago—in fact, this past weekend—I attended a playground dedication on the beach in Fairfield overlooking Long Island Sound, a beautiful, cloudless day lit by an early morning Sun, to dedicate a playground in honor of one of the children, Jessica Rekos, whose family was there as well. That playground will be a living reminder of our obligation to do better.

There are regulations right now that have not been approved in final form for mental health parity to enable more people to have private health insurance coverage. There are commonsense mental health funding initiatives. As we speak on this day, groups are going around to our offices from the National Council for Behavioral Health, asking for support for the Excellence in Mental Health Act, S. 264, ably cosponsored by Senator STABENOW and Senator BLUNT, focusing on mental health and combining those measures with other commonsense, sensible gun violence prevention measures. It is the way to forge the consensus we need and move from those 55 votes to the 61 we need for passage of a gun violence prevention measure that can make us proud, make America better, safer, and that can make us, as Americans, a better Nation to leave for generations to come.

As we celebrate the lives lost but commemorate the horrific, unspeakable tragedy of Newtown, we should take heart from the courage and resilience of those families and their loved ones. From the Newtown community which will be visiting the Capitol again, their resoluteness and steadfastness should inspire us to do better and to ask more of ourselves and make America a better Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I wish to extend my sympathy to all those who have suffered a loss yesterday, both here in DC and any other place in the country. A loss, a quick and unexpected loss, is always difficult.

CONSTITUTION DAY

I also wish to take a second today to recognize that this is Constitution Day. It is 226 years of our country having this Constitution, which is a world record for a constitution. Hopefully we will continue to live under the Constitution, work and make progress.

OBAMACARE

My main purpose today is to take a few minutes to talk about something that occurred during the recess that is another sad example of business as usual in Washington. The health care law we are all under requires Members of Congress and their congressional staff to obtain health insurance under the new exchanges provided by ObamaCare next year. I voted to include Congress under the health care law in 2009 because I believe very strongly that Congress should have to live under the laws it passes.

Let me say that again. I think Congress ought to live under the laws it passes. We passed a law that is going to affect most people in the United States. I can tell you that the administration doesn't appear to share this belief.

On August 2, immediately after Congress adjourned, the Office of Personnel Management, under heavy pressure from congressional leaders, announced it would issue regulations saying the government can continue to make the employer contribution to the health plans of congressional Members and staff. No one else in America who will get their health insurance through an exchange may receive a contribution from their employer, but the administration decided it would be OK for Congress.

I am not sure where the authority came from to be able to do that or say that. It was difficult at the beginning of the process for us to get that amendment in the HELP Committee, Health, Education, Labor, and Pensions Committee, when the bill was coming through there. It was repeated again in the Finance Committee, and it wound up in the final bill.

That is a law we passed. It is a law we passed that said we are going to be subject to the same thing the American people are going to be subject to.

Now the administration has said, no, it doesn't apply to Congress. Where does it say it doesn't apply to Congress?

I was in Wyoming for the last month or so, holding listening sessions and meeting with the people as I drove 6,000 miles across the State. I can tell you people are angry that Congress gets some exemptions from ObamaCare that they don't. They are tired of the deal making that happens here instead of legislating that could be occurring. They see these kinds of exemptions and they don't think it is fair. I agree. I don't think it is fair either.

This is why Senator VITTER and I have introduced a bill that would prohibit Members of Congress from receiving a contribution from the Federal Government toward their health insurance. Of course, it is not only—in our amendment, it is not only Congress but the President, the Vice President, and the people responsible for implementing the health care law who will not be allowed to receive any government subsidy.

The President talks about how great the health care bill will be for everyone, but the administration doesn't think it is so great that they should have to live under it. That should change.

In addition, the legislation ensures Congress and the administration will have to live under the laws it passes and enforces by clarifying that all of us can only obtain our health insurance next year through an exchange. That is what it says.

The bill also states Members do not have the authority to define official staff. That would be a sneaky way of making an exclusion for some of the people we consider to be critical, and can thereby not exempt any of their staff from going into the exchange. Yes, that is difficult. Yes, that is the same thing that is going to happen with the rest of America. The rest of America is going to have these same pangs of wishing their contribution could go with them to the exchange. But they are going to have to go to the exchange and it is not going to follow, and there is no reason we should get an extension.

The reason we have this amendment is to show Congress shouldn't be special, that the American people are going to have this great pain and we ought to suffer from it too or change it for everybody. That would be unique.

I wish to clarify that our bill does not end the government contribution for all congressional staff. Those who make the least amount of money will still receive a contribution, but many staff who would not qualify for any assistance otherwise will not. There is a provision in the law that anybody who goes on the exchange, and they make less than $43,000 a year as an individual or $92,000 as a family, can get a subsidy under the exchange. It would work the same way for Congress.

Legislation is needed to prevent lawmakers and their staff from getting special treatment under the law. Absent this legislative change, Congress and the administration are essentially shielded from the higher cost, the limited access, and the confusion everybody else is going to feel.

I continue to oppose the health care law, as I have done since it was passed. When you pass something from one side of the aisle, without taking into consideration the amendments from the other side of the aisle, and when you make special deals in order to keep the one side, you will end up with a law you will own and it will have flaws in it. It is time we quit dealmaking and start legislating on all the issues and considering all of the amendments. This is one example of an amendment that is up—it is the next amendment up—and it should get a vote. It could have had a vote last week and it can have a vote this week, but we need to vote on these things and see how they wind up.

I do continue to oppose the health care law, as I have done, and I support full repeal of the law. There are replacements out there. I have worked with replacements. In fact, I had my own 10-step plan before the President even became a Member of the Senate. That 10-step plan would have done more than this bill does and it would have been paid for.

I also worked with Senators BURR and COBURN on a substitute when this legislation was going through the process, and that one would have done many of the things the President promised in his joint speech to Congress. He promised there would be certain things in the bill. I took very careful notes at that meeting and found out there were 14 things that didn't appear to be in the bill. So I asked those things be in the bill, and that is when it became a partisan issue.

The President said the bill would have tort reform. There is no tort reform in the bill. The President said there would be a doc fix. There is no doc fix in the bill. I guess the thing that amazed me was that people from the American Medical Association stood behind the President when he signed the bill, realizing they didn't get the two things they insisted on and said they would continue to push for and continue to oppose the bill until they were in there, and that was tort reform and the doc fix.

Doctors, under the law for Medicare are not going to be paid adequately. If they are not paid adequately, they have a tendency to not see Medicare patients. I am pretty sure all of us know somebody who has tried to get an appointment with the doctor and the doctor asked: Do you get Medicare? If they said yes, he said: I am sorry. I am not taking Medicare patients.

So if you can't see a doctor, do you have insurance at all? I don't think so. Medicare has been the lifesaver for seniors in our country for some time, and we haven't begun to see the tip of the iceberg yet on what is going to happen to our seniors.

This amendment, which we should get to vote on, is just one piece of an overall effort to make sure the bill will work for everybody in America. I have 17 other amendments that would, hopefully, close loopholes and dismantle pieces we know would not work and make changes. So there are ideas out there that could make this bill work, but this one amendment is just part of an overall effort. It will close the loophole for Congress and it will ensure that everyone is treated equally under the health care law.

For better or for worse, we should all be in this together. Again, this isn't just to subject our colleagues to pain; it is to get them to recognize the pain America is about to feel. It is not fair for us to make ourselves pain free. We can't inoculate ourselves or give ourselves some special medication. That is what we are doing in the bill. This amendment clarifies Members don't have the authority to define ''official staff'' and, therefore, they can't exempt any of their staff from going into the exchange. It clarifies that Members of Congress, all of their staff, the President, the Vice President, and all political appointees are no longer eligible for the Federal Employees Health Benefit Plan and have to go into the exchange.

That seems fair to me. The bill is named after the President. Why wouldn't the President want to be under the bill? How could he possibly avoid being under the bill and doing what the rest of Americans will have to do? If it is such a great deal, and since the bill is named for him, one would think he would want to do that.

I voted to include Members and staff on ObamaCare before the bill passed, in the HELP Committee, in the Finance Committee, and on this floor. It got tweaked a little after it passed on the floor—and I am a little disturbed about that—but even that doesn't warrant the clarification of this magnitude. People deserve and expect those who are responsible for passing and implementing laws will have to live under the same laws they do.

I have cosponsored this legislation with Senator VITTER, and I appreciate all of the initiative he has taken, the difficult and specific task of drafting, and all of the work that has gone into this. This will make a difference. Congress will realize the difference. The American people will blame us if they see the difference and we haven't.

I would ask we get to vote on this amendment. I hope we get to vote on it soon and we can then move on to other amendments on an important bill and get things done. That is what the American people expect us to do. They expect us to get some things done. If somebody thinks this is something that would be wrong for us, they should consider it to be wrong for America as well and join us in fixing it one way or the other.

Again, I thank Senator VITTER for all his efforts on it, and I do expect we should get a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I thank and recognize the longstanding work of the distinguished Senator from Wyoming. He has fought long and hard from the very beginning for this position during the ObamaCare debate, and he has done so in a very focused and determined and consistent way. I appreciate his doing that all through the ObamaCare debate and bringing it to the floor with me and others in this amendment.

I repeat, I appreciate all of his leadership in fighting for what I consider the first principle of democracy, which is that all rules that are passed on to America should be visited on Washington, and we should be treated exactly the same as the rest of America is treated. That should be true across the board, but it certainly should be true under ObamaCare. That is the very intent of this provision, which is the law now. It is the law now under ObamaCare.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I see my colleague from North Dakota Senator HOEVEN is here so I will be brief.

I wish to pick up on something Senator ENZI talked about, which is that the American people are expecting us to get something done. I couldn't agree with him more. That is why I have been on the floor for the last 3 days, along with my colleague from Ohio Senator PORTMAN, who has worked so hard with me to put together an energy efficiency bill to address the very real challenges facing this country around energy security, and energy efficiency is the cheapest, fastest way to deal with our energy needs.

We have multiple bipartisan amendments to this legislation. We have a lot of bipartisan support for this legislation, with more than 260 groups, as varied as the U.S. Chamber of Commerce and the National Resources Defense Council, supporting this legislation. I hope all those people who would like to have a different conversation around health care, or whatever else, will be willing to postpone that conversation so we can deal with the bill before us, which is the Energy Savings and Industrial Competitiveness Act.

I appreciate all the work of my colleague from North Dakota, Senator

HOEVEN. He has been willing to engage with us on this legislation and I urge all of us to get to the bill at hand and deal with energy issues and let us have those other debates at the appropriate time. Now is not the appropriate time.

Mr. WYDEN. Would the Senator from New Hampshire yield for a question?

Mrs. SHAHEEN. I would.

Mr. WYDEN. How many years has the Senator from New Hampshire been involved in this legislation? Because I can recall the various iterations that she and Senator PORTMAN offered, and then she worked with various groups, business organizations and public interest groups, and I think it would be helpful to hear how long she has been working on this legislation and how long she has been waiting to actually get this bill in front of the Senate.

Mrs. SHAHEEN. Senator PORTMAN can correct me on this, but I think we introduced this legislation early in 2011, not too long after he came to the Senate, and we have been working for 3 years. We reintroduced it in this Congress and have made a number of changes over the years in response to what we heard from stakeholders and in response to some of the concerns expressed by our colleagues on the other side of the aisle to make the bill better and to try and put together legislation that could actually pass the Congress.

We have another bill in the House that is very similar, which is also a bipartisan piece of energy efficiency legislation. There has been a lot of interest expressed in the House in trying to act on this issue, so we have a real opportunity to get a bill through Congress, to get it to the President's desk, to get it signed, and to begin making progress on those 136,000 jobs we have heard about from the ACEEE—the American Council for an Energy-Efficient Economy—that could be created as a result of passing this bill.

Mr. WYDEN. Is it the view of the Senator from New Hampshire that the amendments that have been offered—the bipartisan amendments—take her bill, the product of all those negotiations, more than 3 years' worth of work, and actually make the bill even better?

I look at some of the amendments, particularly the one offered by the Senator from Georgia and the Senator from Colorado—the Isakson-Bennet amendment—and I realize we know more in America about the kind of common energy-efficient products that one might use, whether it is a toaster or something else around the house, than we do about the actual house itself. So we have two thoughtful Senators coming together and they have worked with a whole host of commercial building interests and they are going to make it possible, in my view, to save a lot of energy that will result in savings for homeowners and other Americans.

I would be interested in the Senator's take on the various amendments that have been filed because I think those amendments take the very fine bill she and Senator PORTMAN have and make it even better.

Mrs. SHAHEEN. There is no doubt about that. I have been impressed with the amount of thought that has gone into these bipartisan amendments and with the variety of ways in which they improve on energy efficiency.

The Senator talked about the Isakson-Bennet amendment. Senator BENNET has an amendment with Senator AYOTTE, my colleague from New Hampshire, talking about tenants who are renting and the incentives we can provide to tenants to address their energy use.

Senator GILLIBRAND, who came to the floor last week, talked about how we could look at emergency disaster relief and try and make sure when we rebuild from disasters we rebuild in a way that is much more energy efficient.

So we have a whole range of ideas. Senator HOEVEN, who is on the floor, is talking about addressing water heaters and the need to make sure water heaters are more efficient. He is working with Senator PRYOR. We have a whole list of amendments that are thoughtful and that have been the result of a lot of work on the part of a lot of Senators in this Chamber.

It is unfortunate we can't get to those amendments and get them passed. I think most of them would pass on a voice vote.

Mr. WYDEN. Let me wrap up with one last question to get a sense of the Senator's intent. My sense is the Senator is very open, as is Senator PORTMAN, that there will be votes. I see our colleagues on the floor who have also been here since Wednesday, but the Senator from New Hampshire, I believe, is open to giving them votes on the several issues that have come up in connection with this debate, that have been debated over the last few days, and then she would be open to the leadership on both sides agreeing to a finite list of amendments and then actually voting on the energy efficiency bill this week.

My hope is that is what the Senator would like to do because that is what I have tried to tell colleagues, as chairman of the Energy and Natural Resources Committee.

Mr. WYDEN. I just came back from an excellent visit to North Dakota with Senator HOEVEN. There are a lot of other issues the Senate wants to tackle in the energy area to make sure we fully tap the potential of natural gas. There are win-win opportunities that are also good for the environment. We would like to resolve the nuclear waste question. We have a bipartisan bill here in the Senate.

Is that the intent of the Democratic sponsor of this legislation, that in the next couple of hours we get a finite list of the additional amendments In other words, we have the Senator's bill, and we have several amendments that have been debated at length already. Those would be part of the vote, and then in the next couple of hours we would have a finite list, and then we could address those and finish the bill this week?

Mrs. SHAHEEN. Absolutely. And I think that is Senator PORTMAN's interest. We would like to get some agreement on how to move forward. As I said last week, I don't have any objection to voting on Senator VITTER's legislation if we can get some agreement on limiting those extraneous amendments that really don't have anything to do with energy efficiency so we can get onto this bill, get it done, and make progress because, as the chairman knows, it is going to be very challenging to tackle some of those other energy issues that are much more controversial than this energy efficiency bill. So it would be nice to be able to have agreement so we can move on to some of those other issues.

I especially appreciate the Senator's leadership and Senator MURKOWSKI's leadership in reaching some agreement and trying to move an energy agenda on the floor.

Mr. WYDEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I wish to briefly respond to the comments by the distinguished Senator from New Hampshire.

First, I welcome her statement that she supports getting a vote on the Vitter amendment. I am not sure I have heard it before, but I heard it just then and I welcome it and I appreciate it and want to echo that.

Secondly, I wish to briefly respond to the notion that somehow now is not the appropriate time for that vote. I and my colleagues who support this language are reacting to an illegal rule that goes into effect October 1, so I am demanding a vote before October 1, when this goes into effect. I am not sure what more appropriate time there can be than before October 1 if we are trying to block this illegal rule that will happen October 1. So this is the appropriate time—not according to a timetable I made but according to a timetable that the Obama administration made and that is supported by the opponents of our language.

If OPM wants to announce that they are delaying this illegal rule indefinitely or for 1 year, then we will delay this vote because that would be appropriate. But the appropriate time to stop this illegal rule that goes into effect October 1 is, by definition, before October 1, which is all I have demanded.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I wish to introduce two energy efficiency amendments that I am offering for attachment to the Shaheen-Portman energy efficiency bill.

I thank both of the bill's sponsors, the Senators from New Hampshire and Ohio, for their willingness to work with me and with our cosponsors on

this bipartisan legislation. I also thank both the Senator from Oregon, who is the chairman of the energy committee, as well as the ranking member of the energy committee, the Senator from Alaska, for working with us as well.

Obviously, I hope we will be able to work through the list of amendments to this legislation so that we can get votes on these bills. We have broad bipartisan support on both of these measures, so I wish to take a few minutes to introduce them and to briefly describe them.

The first is an amendment regarding water heaters. It is actually the water heater efficiency amendment. Currently, a 2010 Department of Energy rule on water heaters effectively bans the manufacture of large electric water heaters beginning in 2015, which will greatly affect consumers in our rural areas and hurt the effectiveness of some of the demand-response rural electric programs. These demand-response rural electric programs are designed to use off-peak loads, which is both energy efficient and also generates big-time savings for consumers. So it is one of those win-win deals. But many of our rural areas are not serviced by natural gas. As a result, they would be forced to buy multiple water heaters in order to meet their need because the load doesn't enable them to store enough heat. That doesn't make any sense.

What I am offering is a practical amendment that improves the efficiency of electric water heaters but lets our rural areas have access to affordable, efficient water heaters that can supplement renewable energy. Much of this off-peak energy is renewable energy, so there is another benefit as well. This is one that saves money, is energy efficient, and also provides good environmental stewardship.

Many of our electric cooperatives and other utilities have voluntary demand-response programs that use electric water heaters to more effectively manage power supply and demand. In those areas where renewables are part of the electric generation system, these water heaters facilitate the integration of renewable energy that can be stored—like at nighttime, obviously—for use during peak hours. That includes such things as wind and solar energy.

This amendment would allow the continued manufacture of large, grid-enabled, electric-resistance water heaters only for their use in electric thermal storage or demand-response programs, meaning that they use off-peak load or lower cost energy that would otherwise be lost or not used. The amendment would require that grid-enabled water heaters have a volume of more than 75 gallons, be energy efficient, and work on grids that have a demand-response system. So, again, you are using off-peak loads, using renewable energy, and it saves the consumer a lot of money and makes sure they have the hot water they need for their use but is a big-time cost saver and good environmental stewardship measure.

We have broad support from the energy efficiency groups, from the environmental groups, from manufacturers, and from the rural electric cooperatives. I will name some of them. These include the Air-Conditioning, Heating, and Refrigeration Institute, the American Council for an Energy-Efficient Economy, the American Public Power Association, Edison Electric Institute, General Electric Company, National Rural Electric Cooperative Association, the National Resource Defense Council, the Northwest Energy Efficiency Alliance, and there are many more. This has broad support. I am not aware at this point if there are opponents.

The Shaheen-Portman bill is an energy efficiency bill. It is about using energy more wisely, benefiting both providers and consumers alike. And that is exactly what this amendment does. It saves money, it saves energy, it benefits the environment, and it benefits consumers.

Mr. PORTMAN. Would the Senator yield?

Mr. HOEVEN. I certainly yield to the good Senator from Ohio.

Mr. PORTMAN. I know my colleague is going to talk about another one of his amendments in a moment. I wish to briefly stay on this amendment.

It makes a lot of sense, and he said it well. In Ohio as well as other States, during these off-peak periods—and often it is renewable energy—think about a time when you can generate power during the day from solar or wind or other sources, and if you can store that during the peak times and if these water heaters are well enough insulated, they can store that heat that is otherwise wasted or not used.

It seems it makes a lot of sense to ensure that the 2010 DOE rule the Senator talked about doesn't preclude the possibility of manufacturing these large water heaters for electric thermal storage and for these demand-response programs the Senator talked about that some of them have. One is the Buckeye Power Utility, an electric co-op, and they are very interested in this amendment.

I support the amendment. I think it is an example of an amendment brought to the floor that is going to help make the bill better. It is consistent with the energy efficiency goals of the legislation.

I thank the Senator for his work.

Mr. HOEVEN. Mr. President, I thank the good Senator from Ohio. It really does comport both with the spirit and intent of the legislation that he has coauthored with the distinguished Senator from New Hampshire, but really it actually accomplishes what the Department of Energy set out to do.

In rural areas across this country, whether in North Dakota, Ohio, West Virginia, New Hampshire, or anywhere else, we have rural consumers who are looking at having to buy multiple water heaters just to have enough hot water because they are on these off-peak load programs, which makes sense and which is what we want. We want them on these off-peak programs because it is more efficient and saves money and utilizes renewable energy, but we have to enable them to do it. So this accomplishes what DOE set out to do.

Again, I thank the distinguished Senator from Ohio.

Mr. President, I wish to offer another amendment to the underlying legislation. This is the ''all of the above'' Federal building energy conservation.

We talk about doing ''all of the above'' energy development in this country, and we have to get from talking about it to doing it. This is a great example of what I am talking about. It actually goes back and addresses a problem that was created in the Energy Independence and Security Act of 2007. In that act they set efficiency standards for Federal buildings that have to be achieved by 2030 and then they limit it as to which types of energy can be used, creating a real problem for the Department of Energy, which is actually having to implement that legislation.

This is a piece of legislation that actually will enable some of these energy efficiency goals to be achieved with better environmental stewardship but with a commonsense ''all of the above'' approach in terms of energy sources. Frankly, the goals of that cannot be achieved without them. The Shaheen-Portman legislation is an on-subject piece of legislation that really allows us to correct the problems in the Energy Independence and Security Act of 2007 and really accomplishes what that act set out to do, so if I could just take a couple minutes to describe it.

This ''all of the above'' Federal Building Energy Conservation Act, amendment No. 1917, is a commonsense piece of legislation that saves taxpayers money by enhancing the energy efficiency of Federal buildings by allowing all forms or all sources of energy to power our buildings while still meeting the objectives of the underlying legislation.

Currently, section 433 of the Energy Independence and Security Act of 2007 mandates the elimination of all fossil fuel-generated energy use in any new Federal building by the year 2030, but the mandate also covers any major renovation of $2.5 million or more to any Federal building. Unfortunately, the Department of Energy has been unable to finalize a rule because the law itself is unworkable.

Think about it—any Federal building where there is a renovation of more than $2.5 million, you can no longer use fossil fuels—think natural gas—in that building. So what are you going to heat and cool the building with? Are you sure you are going to have enough intermittent power—whether it is solar or wind or something else—to make sure that for any Federal building

where you make a change of more than $2.5 million you are going to be able to meet the energy needs of that building? The Department of Energy can't do it. They can't write a rule that meets that statutory requirement. So we fix it in this amendment.

My amendment would replace an unworkable mandate that is impossible to implement with a practical, time-proven approach, using technology and all of our energy resources to achieve the goal of energy efficiency. Again, this will enable us to achieve the energy efficiency goals of the underlying legislation, which is the Energy Independence and Security Act of 2007.

Instead of prohibiting the use of fossil fuels, including next-generation technologies as section 433 would currently provide as written, this amendment creates sensible energy efficiency guidelines to make Federal buildings more energy efficient, thereby lowering emissions. The measure also helps to make sure when we do major renovations we use the most up-to-date building codes. We do all of this in a transparent manner by having the Secretary of Energy make information available as to how the Federal Government is improving its efficiency in Federal buildings.

Current law is unable to do any of this. The reality is section 433 does not work, as I said, and cannot be implemented without a fix. We are providing that fix. According to the American Council for an Energy-Efficient Economy:

> The current section 433 is not very workable because in its present form it discourages investments in long-term energy savings contracts and in combined heat and power systems.

So if you care about efficiency—that is what this underlying bill is all about, energy efficiency—if you care about efficiency, we need to change section 433. If you care about making sure our taxpayer dollars are well spent, we need to pass the amendment I am offering. It is better to have aggressive yet achievable goals with a means to obtain them through private sector financing mechanisms than to have an unfunded mandate that will not produce the intended results.

Major conservation stakeholders agree. This amendment is supported by a remarkably broad coalition. That coalition includes: the Alliance to Save Energy, the Combined Heat and Power Association, the American Gas Association, the National Rural Electric Cooperative Association, the Edison Electric Institute, the Federal Performance Contractors Coalition, Owens Corning, Siemens, the National Association of Energy Service Companies, the American Public Power Association, Lockheed Martin, Fuel Cell & Hydrogen Energy Association, Honeywell—the list goes on, and there are many more.

That is because, again, it is about common sense, it is about energy efficiency, and it is about doing it in a way that actually accomplishes those goals.

Energy conservation is an objective where we should be able to find consensus. Everyone agrees it makes good sense to save energy. This amendment makes the current law both practical and achievable. The Congressional Budget Office says it saves money. I urge my colleagues to support this commonsense amendment.

Finally, if I may before I close, I would like to make some brief comments in regard to the farm bill. We have been working on a farm bill for over 2 years. I am a member of the Senate Agriculture Committee. Last year we passed a solid farm bill from the Senate Agriculture Committee that strengthens and enhances crop insurance and saves money. At a time when we are running a Federal deficit and debt, we are saving money. We passed the bill out of the Agriculture Committee last year. The House passed a bill different than the bill we passed out of the Senate Agriculture Committee, but the House Agriculture Committee passed a farm bill as well, and a good farm bill.

On the Senate floor last year we passed the farm bill and passed it with a large bipartisan vote. On the House side they were not able to pass it. They were not able to pass their bill, so at the end of the year when the current farm bill expired we were forced to do an extension.

We come back this year. The Senate Agriculture Committee again passes a good solid farm bill that strengthens crop insurance, is good for farmers and ranchers, and saves money. We pass it on the Senate floor as well. On the House side, they pass the bill through the House Agriculture Committee and they pass a bill on the floor. It did not include the nutrition piece, but they did pass a bill on the floor.

This week they are set to vote on a nutrition bill. That is good. They need to do that and they need to make their decision on how they want to handle the food stamp reform, or Supplemental Nutrition Assistance Program reforms. But the key is they need to name their conferees. They need to take action this week and name their conferees. We have named our conferees. I am pleased to be a member of the conference committee. But we need to work. We need to get this finished.

The reality is, for our farmers and ranchers, we should not be providing another 1-year extension. These are business people. They need to plan. They need to know what the 5-year farm program is going to be so they can plan and operate their business accordingly. There are on the order of 16 million jobs in this country that are dependent, directly or indirectly, on agriculture. We want to get this economy growing. Those are a tremendous number of jobs, 16 million jobs, that, directly or indirectly, rely on agriculture. Agriculture creates a positive balance of trade.

We are talking about an energy efficiency bill right now and our farmers are out there right now, not only producing food but fuel as well—food, fuel, and fiber. They create not only jobs in this country but they have a positive trade balance, which is tremendous for our country.

The bill, as I mentioned earlier, saves money. At a minimum we are going to save $24 billion, and it will likely be more than that. It helps with the deficit and the debt.

I want to close today by again calling on my colleagues on the House side to deal with the nutrition issue, name their conferees, let's get into conference, and let's get a farm bill done. Thanks to our farmers and ranchers, we have the highest quality, lowest cost food supply in the world, in the history of the world. That benefits every single American—whether you live in rural America or in the biggest city. Let's get it done.

I again thank the sponsors of this bill. They are working hard. You know what. They are setting an example for this body on the kind of bipartisanship and working together we need to have to get things done for the American people. I commend them both and thank them for this opportunity to present these amendments to their bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, the second amendment my colleague from North Dakota spoke about is another example of a bipartisan piece of legislation. In fact, I think the Presiding Officer of the Senate this afternoon is a cosponsor of it, which I think makes sense because I think the current program which would, by 2030, lead to no fossil fuel-generated energy for use in newer renovated buildings is not practical. I think the impracticality of it is shown by the inability of the Department of Energy to move forward with their regulations.

I will say while this amendment repeals the fossil fuel ban in section 433, it also strengthens other existing provisions for Federal energy management, including extending the Federal efficiency targets for Federal buildings to 2013. I think it is a responsible approach and a practical approach. It will give the Federal Government added flexibility to achieve these reductions in energy production without adding burdensome new requirements to the Federal building energy managers.

It is also, in combination with many aspects of the underlying bill which deal with energy efficiency on Federal Government buildings and practices, basically encouraging the Federal Government to practice what it preaches and be more efficient, as the largest energy user in the country and probably in the world.

I think it is consistent with the legislation, although there may be some alternatives people want to talk about, but I do think this is an amendment which actually makes sense because it

is practical and I think it also is consistent, again, with our underlying purpose which is to, in a way that provides flexibility, achieve efficiency standards at the Federal Government level. It encourages more efficiency.

Finally, on the farm bill comments, I agree with my colleague from North Dakota. Our farmers need the predictability and certainty that comes with the farm bill. He talked about 1 year not being enough. I do agree with that. I hope we will be able to get the conferees named and get in conference and come out with a bill that helps farmers know what the rules of the game are. That is what they are looking for. They want to know the crop insurance program is going to be there and be sure and strong, the safety net will be there—which this bill will provide, regardless whether it is the House version or Senate version, and then they need to know what the rules of the game are for the other commodities and other programs.

I hope that can move forward because it would be great for our country, great for Ohio. The No. 1 industry in Ohio is agriculture. We are proud of that. We want to make sure those farmers have the ability to succeed.

I will yield back my time and thank Members who have come to the floor to talk about amendments. I hope other Members who might be listening will do that.

This is an opportunity, even before we can officially file or introduce amendments and debate and vote them. At least we can have the discussion so we are ready to go when I suspect we will have an agreement between leadership of both of our parties even later today. We are working on that. We think we have limited the number of amendments to a reasonable level and we are trying to encourage Members to work with us to ensure we can get to this underlying legislation and move forward with a bipartisan energy efficiency bill that is going to help on our trade deficits, going to help our economy grow jobs, make our environment cleaner, and is going to be one that actually shows this body we can in a bipartisan way do what is good for our constituents.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

NAVY YARD TRAGEDY

Mr. HELLER. Mr. President, I rise today to speak in favor of the Vitter amendment to the energy efficiency bill. Before I begin my remarks, I wish to recognize the horrific events that occurred yesterday, a little over a mile from here. Yesterday's tragic and senseless shooting devastated families and changed lives forever. We continue to hold the victims and their loved ones in our thoughts and we are deeply appreciative of law enforcement and first responders who helped save lives and prevent further violence.

Senator VITTER's amendment to the energy efficiency bill addresses a serious concern that I, along with many of my constituents, have expressed about ObamaCare. Specifically, this amendment seeks to eliminate special Washington, DC, exemptions in the current law. It requires congressional staff, including the committee and leadership staff as well as the President and the Vice President and all political appointees in the administration, to participate in the same exchanges ObamaCare forces on everyday Americans.

I have cosponsored this amendment with some of my colleagues, including Senators VITTER and ENZI, because I think it is clear the American people are fed up with the beltway mentality that the rules apply to everyone else but not Washington, DC. If you ask me, a law that applies to all Americans except those who wrote it simply does not pass the smell test.

By the way, I wish to note this elitist attitude is not anything new. In fact, America's second President, John Adams, warned against a legislative assembly that would ''in time not hesitate to exempt itself from the burdens which it will lay without shame on its constituents.'' It turns out this was a tragically accurate prediction.

Before ObamaCare was even passed into law, I argued that those who wrote the law should be beholden to it. As a member of the House Ways and Means Committee, I introduced an amendment that would require all Members of Congress and their dependents to obtain their health insurance through the Affordable Care Act's health care insurance exchanges. But last month, immediately after Congress left for the August recess, the Office of Personnel Management announced in its proposed rules on ObamaCare that the government can continue to make employer contributions to the health plans of congressional Members and staff. This basically means Members of Congress and congressional staff will receive a taxpayer-funded subsidy for their health care insurance. Ultimately, these tax dollars will be used to protect Washington insiders from the negative consequences of ObamaCare's health exchanges.

Following OPM's announcement, I immediately wrote to them, asking that they clarify in their final rule exactly who is subject to the exchanges. Specifically I asked them to ensure that in addition to Members of Congress, all congressional staff, including committee and leadership staff as well as political employees, go to the exchanges. I have written a followup letter to OPM, and as of yet I have not received a single response for this concern.

If ObamaCare is such a good idea, why would those who helped write the law not stand proudly by it? The fact that ObamaCare protects a select few from participating in the exchanges is further evidence that the law never should have been passed to begin with. But now that it has been passed, upheld by the courts as a massive tax increase, those who put it in place should be subject to the same burdensome regulations, taxes, and mandates that everyday Americans are stuck with. If the President and Congress say it is good enough for the American people, then it should be good enough for the President, Vice President, political appointees, and all congressional staff too. So this amendment I have cosponsored ensures that there is no special fix or exemption for Members of Congress and their staffs. It ensures that they participate in the exchanges just as does every other American starting January 1 of next year. It also ensures that any type of taxpayer-funded subsidies offered to them are also available to the American taxpayers through tax credits.

As many of my colleagues did, I spent the August recess meeting with my constituents and listening to their concerns. It probably won't surprise anyone that the general public doesn't think very highly of Congress, and this exemption is a perfect example of why that is the case.

Unfortunately, in recent days the conversation about this particular amendment has taken an ugly turn toward personal attacks. Regardless of whether my colleagues support this amendment, we should be talking about this measure in the context of what is fair and what is best for the American public. I urge my colleagues to abandon threats and personal attacks and examine this legislation based on its merits.

Since the Supreme Court upheld ObamaCare, its provisions have been repeatedly delayed by the administration, demonstrating that the Federal Government understands how bad the law will be for businesses and middle-class families. In fact, the Washington Times just reported that the Obama administration has delayed major aspects of the health care law no less than five times to date. And this latest move to insulate DC insiders from this unpopular law is more than enough evidence that ObamaCare is the wrong answer to the health care challenges in this country.

I urge my colleagues to support this amendment. It is a reflection of a basic principle of our democracy: that equality under the law means the law applies to everyone. Serving the people of the United States is a privilege. It is about service. It is not about status. And if Congress is going to pass laws that are unpopular, we better be ready to live by the same rules as everyone else. This is what this amendment is about, and I hope my colleagues will join me in supporting it.

Mr. President, I yield the floor.

Mr. PORTMAN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I wish to personally thank our distinguished colleague from Nevada for all of his work and partnership on this important measure. He has been an outspoken leader from the very beginning of this debate and has stood hard and fast for the truly fundamental principle that any rule we pass here for America should first and foremost and equally be applied to Washington. So I really appreciate his leadership and his work, which continues, and we look forward to the vote that we absolutely demand and deserve before October 1.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. WARREN). Without objection, it is so ordered.

Mr. MORAN. Madam President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALZHEIMER'S DISEASE

Mr. MORAN. Madam President, every 68 seconds—a little more than 1 minute—someone in America develops Alzheimer's. It is a devastating and irreversible brain disease that slowly destroys an individual's cognitive functioning, including memory and thought.

Back home in Kansas, a Kansas City physician, Dr. Richard Padula, and his wife Marta had been married for 51 years when he was diagnosed with Alzheimer's disease in 2006. It is difficult to imagine the anguish Dick and Marta and their family and their friends experienced as he deteriorated from a leading heart surgeon into someone unable to comprehend a newspaper article. Unfortunately, these stories have become very common.

Alzheimer's currently affects more than 5.2 million people in the United States and more than 35.6 million people worldwide.

As our population ages, the number of people diagnosed with Alzheimer's after the age of 65 will double every 5 years, while the number of individuals 85 years and older with this disease will triple by 2050. Already, Alzheimer's is the sixth leading cause of death in the United States, and there is currently no cure, no diagnostic test, and no treatment for this terrible, terrible disease.

As a nation, we should, we must, we ought to commit to defeating one of the greatest threats to the health of Americans and to the financial well-being of our Nation.

In 1962, President Kennedy called our Nation to action to reach the Moon by the end of the decade, and Americans rallied around that cry. Similarly, we need to commit ourselves to a goal just as ambitious but perhaps even more imperative. We must strive to achieve not only an effective treatment but a cure for Alzheimer's over the next decade.

President Kennedy said: '' . . . because that goal will serve to organize and measure the best of our energies and skills, because that challenge is one that we are willing to accept, one we are unwilling to postpone, and one which we intend to win. . . .''—I would like those words to be spoken about the fight against Alzheimer's.

As the baby boomer generation ages and Alzheimer's disease becomes more prevalent, the need to confront the pending health care crisis has become even more urgent. The financial costs alone cannot be ignored. What it costs America's health care system, what it costs Americans, what it costs the taxpayers, we need to address these issues.

Caring for those with Alzheimer's and other dementias is expected to reach an expense of $203 billion this year—$203 billion this year—with $142 billion covered by the Federal Government through Medicare and Medicaid.

A recent study by the RAND Corporation stated that the cost of dementia care is projected to double over the next 30 years, surpassing health care expenses for both heart disease and cancer. Without a way to prevent, cure or effectively treat Alzheimer's, it will be difficult, if not impossible, to rein in our Nation's health care costs.

Alzheimer's has become a disease that defines a generation, but if we focus and prioritize our research capacity, it does not need to continue to be an inevitable part of aging.

It is time to truly commit to defeating this disease in the next decade, a goal no more ambitious than President Kennedy set forth for the Apollo space program. For every $27 that Medicare and Medicaid spend caring for an individual with Alzheimer's, the Federal Government only spends $1 on Alzheimer's research—$27 to care for the disease; $1 to try to cure or prevent the disease.

Yet we know that research suggests that more progress could be made if given more support. One study found that a breakthrough against Alzheimer's that delays the onset of the disease by just 5 years would mean an annual savings of $362 billion by 2050. A sustained Federal commitment to research for Alzheimer's will lower the cost and improve the health outcomes for people living with the disease today and in the future.

I am the ranking Republican on the Senate Appropriations subcommittee that funds the National Institutes of Health. NIH is the focal point of our Nation's medical research infrastructure, and I am committed to working with my colleagues to prioritize funding for Alzheimer's research. This year our subcommittee increased funding for the National Institute on Aging—the lead institute for Alzheimer's research at NIH—by $84 million and supported the initial year of funding for the new Presidential initiative to map the human brain. Both projects will increase our understanding of the underlying causes of Alzheimer's, unlock the mysteries of the brain, and bring us closer—closer—to an effective treatment and, one day, closer to a cure.

Alzheimer's is a defining challenge of my generation, and we should commit to a national goal to defeat this devastating disease. We can do that by supporting critical research carried out by scientists and researchers across our Nation and supported by the National Institutes of Health.

In my view this is an area in which we all can come together. You can be the most compassionate, caring person—and we ought to spend money to care for people—you can be the most cautious about spending dollars and the investment and what the return is for every dollar we spend, and because we could save on health care costs, you ought to be supportive of this funding.

The health and financial future of our Nation, in my view, is at stake, and the United States cannot, should not, must not ignore this threat. Together, we can make a sustained commitment to Alzheimer's research that will benefit our Nation and bring hope to families such as the Padulas, as well as to every American. It is a challenge. It is a challenge we ought to accept. The moment for us to act is now, and the end result is hope for the future.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Madam President, I rise in support of the legislation coauthored by Senator SHAHEEN and Senator PORTMAN, the Energy Savings and Industrial Competitiveness Act. I wish to take a minute to thank them for their leadership and for their tenacity in getting this bill to the floor, struggling through all of the amendments that are being offered to it, trying to make sure we figure out how we can actually save some energy, save some money, and do some good for our environment.

I thank the Senator from New Hampshire very much. It is always a pleasure to work with a recovering Governor. We will see where this ends. I hope it ends in a good place. As our economy picks up and our Nation's energy needs grow, investing in energy efficiency is a no-brainer.

Energy efficiency investments save money, save money in energy costs,

save energy resources, protect our environment, and create jobs.

Homeowners and businesses are already investing in energy-efficient technologies. As an extra bonus, many of these technologies are developed right here—not here in Washington but right here in America. Earlier this month I visited a company called WhiteOptics, and they are producing advanced light bulb technology. When it is used, it can deliver more light than traditional fluorescent bulbs for half the energy. Think about that, more light for half the energy. The payback for that technology is not just less than a decade, not less than 5 years, it is less than 1 year.

Since the cost of lighting can comprise up to 50 percent of a manufacturer's energy bill, it is a relatively easy and inexpensive way to save money and, as it turns out, a lot of money. Through investments in advanced light bulbs, light technology, and other energy efficiency measures, our country has the potential to save as much as 40 gigawatts of power by 2018.

How much is 40 gigawatts? Think of 80 coal-powered plants, all of them going full blast, is about 40 gigawatts.

Unfortunately, barriers such as upfront costs and inadequate efficiency standards are preventing our country from realizing our energy efficiency potential. The Shaheen-Portman bill breaks down many of these barriers. Again, I think voting for it is a no-brainer.

As an added bonus, the legislation before us will help us rein in Federal spending too, because it includes provisions that will reduce Uncle Sam's energy consumption from across the country and around the world.

To illustrate that point, let me use an example from the world of sports. Similar to a lot of Americans, I spent some time the past two weekends watching some terrific football games. But on Labor Day I took the 12-year-old boy I mentor and his twin sister to see the final game of the season of the Wilmington Blue Rocks, a Single-A team, Minor League team that played in the Carolina League.

It turned out to be a very good game. One of the highlights again—the Presiding Officer is from Massachusetts and the prime sponsor of the bill is from New Hampshire. My guess is they are Red Sox fans, and we used to be a farm club for the Red Sox. Now we have a farm club of the Royals, but the minor league game we went to was terrific.

One of the highlights occurred when the Blue Rocks came close to pulling off a triple play. You don't see that very much. It is very rarely seen and done in the majors, much less in the minors.

While our Blue Rocks came close to pulling off a triple play that day, our Federal Government can actually pull one off, at least figuratively speaking, by reducing the amount of energy we consume every year in the Federal Government.

Here is how we do it. First, you cut down on the carbon and the air pollution that is going into the air and we thus improve American's health.

Second, we cut down on Federal spending. The deficit is down—what did we hear at lunch today—about $1.4 trillion 4 years ago. We are down to something under $700 billion now.

It is still too much, but we have seen the deficit come down by over half, and this can help bring it down a bit further.

The third point is we can cut down unemployment by creating good American jobs to produce, install, and to maintain the energy that is needed for energy efficiency technology, a lot of which I said earlier is made right here in the USA. We are not talking minor leagues here either, at least in terms of savings. This is big league stuff.

The annual energy bill for the Federal Government is around $25 billion. I think the Federal Government is the largest consumer of electricity in the country. Of that, some $7 billion alone is spent on energy to operate Federal buildings, $7 billion just for the buildings alone.

Last Congress, my colleague from Delaware, Senator CHRIS COONS, and our colleague SHELDON WHITEHOUSE—from another small State—and I tried to pull off a triple play of our own. We produced a bill that was called the Reducing Federal Energy Dollars Act. It focused like a laser on greening down Federal energy costs.

Today we are happy to see that many of its provisions have been incorporated in the Shaheen-Portman bill. If we pass it, we could pull off that triple play after all.

One of those provisions takes what works and seeks to ensure we do more. Here is just one example. Not too long ago the Veterans Affairs Department, which runs the VA for us, mandated that employees turn off their computers at the end of the workday. This is not the whole Federal Government. This is one department of the Federal Government, the VA.

The agency also began acquiring more energy-efficient computers and software. Combined, the Department plans to save about $32 million over the next 5 years—$32 million. This is not too shabby. Again, that is just one Federal department. The bill before us calls on all agencies to adopt these kinds of energy and cost-saving techniques.

Another provision included in the Shaheen-Portman legislation adopted from our earlier legislation ensures that we build Federal buildings with some of the most energy-efficient technology that is available. These are buildings that will be with us for not just a couple of years, maybe not just for a couple of decades, they could be here a whole lot longer.

They could be around when all of these pages down here are dead and gone. We still have these Federal buildings. They can still be energy efficient, but if we build them wrong, they will never be energy efficient. Maybe so. This is a chance to get it right from the start.

Overall, the Shaheen-Portman bill makes major strides in promoting Federal energy efficiency. I wish to applaud its authors, both of whom I have huge respect, love and affection for, especially my former colleague in the National Governors Association.

However, there is a small provision in the bill that was overlooked and one that, if added, could make possible even greater gains. I will talk about that for a minute.

Under the Energy Policy Act of 2005, Congress overlooked geothermal as a renewable for the purposes of Federal energy requirements. Renewable thermal energy is clean, it is efficient, and it is often more cost-effective than electric energy.

This is why I have joined a colleague, Senator INHOFE of Oklahoma, in offering amendment No. 1851—if you are keeping score—which allows geothermal to be considered a renewable energy for Federal requirements. Our amendment gives Federal agencies another valuable option as they consider the most cost-effective way to meet their energy needs and obligations. It is another option.

I again wish to thank our chair and ranking member of the energy committee, as well as the sponsors of this bill, the authors of this bill, in support of our amendment.

Before I close, there is something I have to get off my chest. This is a bipartisan bill. This is a bill that seeks to do a number of things I said earlier. This is a bill that tries to reduce our energy consumption in this country, especially the energy consumption of the energy consumed in the Federal Government.

This is legislation that tries to do some good things for the environment. This is legislation that helps to further reduce our budget deficits. It helps keep them coming down.

This is a bill that has bipartisan support and does so much good. People offer amendments to this bill, hopefully, that are germane amendments. Let's debate them and have a chance to vote on them, up or down, but let's do it and let's move on. Let's not be dilatory. Let's not just offer amendments that have nothing to do with this legislation. Let's address some real problems—not just address them, but let's solve them. Let's solve them. And we can do that.

We have plenty of work to do on this front. I wish to see us do it. We will be a lot more successful in this regard if we work together to foster what I call a culture of thrift.

We need to look at everything we do in this government that has discretion and will probably get a better result for less money. One of the ways is how do we provide energy for Federal buildings and for Federal employees to use in the work we do for our taxpayers—

how do we get a better result for less money or the same amount of money.

Almost everything needs to be on the table if we are to continue to whittle down the size of our Federal budget and restore our Nation's fiscal challenge for my children, for our children, and for our grandchildren. I think if we accomplish this while at the same time creating some well-paying jobs at home and save energy, we will come close to completing that triple play that the Wilmington Blue Rocks came very close to pulling off a couple of weekends ago.

In doing so, we will give something for our fans—there are not a lot of them these days—to talk about for seasons to come.

The last thing I wish to say is this. One of the amendments that is offered, maybe a couple of the amendments offered to this bill have to do with health care.

I serve on the Finance Committee and worked a fair amount on the Affordable Care Act, also known as ObamaCare. The heart and soul of the Affordable Care Act, as far as I am concerned, is the creation of the health exchanges, Federal exchanges, or they call them marketplaces. The idea is to let everybody in this country—not everybody but a lot of people in this country who don't have health care coverage or who have paid an arm and a leg for it—have the opportunity to participate in a large purchasing pool in their own State.

We have something such as the Federal Employees Health Benefits Plan that all Federal employees, Federal retirees, including legislators, Members of the legislative branch, judges, folks throughout the country, Federal retirees, their dependents, postal employees, postal retirees, their dependents, everybody who wants to purchase their health insurance through the Federal Employees Health Benefits Plan can do that. It is up to about 7 million or so people. We don't have that many Federal employees, but there are a lot of people who use that plan to buy their health insurance. It is not free. It is not cheap.

One of the things that helped drive down the cost is every health insurance company worth their salt in this country wants to sell through this large purchasing pool, the Federal Employees Health Benefits Plan purchasing pool. Because of the large size, the economies of scale, the administrative costs to those who get their insurance through the Federal Employees Health Benefits Plan, the administrative costs are not 30 percent of premiums, they are not 20 percent of premiums, they are not 10 percent of premiums—they are 3 percent of premiums.

What we do with the Affordable Care Act is we allow every State to set up a health care exchange, a large purchasing pool, also called health insurance marketplaces. If you are an individual, if you have a family, a small- or medium-sized business up to 50 employees, you can buy your health insurance through the exchange in the health insurance marketplace in your State.

One of the stipulations—I am not sure who authored it, but I am pretty sure it is a Republican member of the Senate Finance Committee. It may have been Senator GRASSLEY. Somebody authored an amendment that required and said if these exchanges are such a great idea, why don't we require us, Members of Congress, and our staffs to buy our health insurance through the exchanges? If that is such a great idea, why don't we too? That is what the legislation says.

We don't get our health insurance free. Members, our staff, folks who work for the Federal Government, we don't get it free. We have to pay a percentage of our premiums.

Most large employers pay something. The employer contribution, the average is about 70 percent. The Federal Government pays about 70 percent of our health insurance premiums. We have to pay the rest.

I think for us to set an example, I think the kind of example we should set would be if we set up these health insurance exchanges, why don't we participate in them. We are going to.

Some people think we get free health care. Some people think we get a pension after 2, 4 or 6 years. People see this stuff on the Internet and they believe it. It is not true.

We say in the Navy if you want to find out the truth, ask for the straight skinny. That is what you call it in the Navy, the straight skinny. Tell me the straight skinny. Give it to me straight.

The great skinny is these health exchanges are a very important component of the Affordable Care Act. Every State will have an opportunity to set them up. Individuals, families, small- and middle-sized businesses will have an opportunity to participate. They will get better options to choose from. In the end, I think we will get better prices and they will be better off. Small businesses that participate, small- and middle-sized businesses will be better off as well.

The last word, speaking of the truth, the words of Thomas Jefferson come to mind. Thomas Jefferson said a lot of great things, but one of my favorite things he said was if the people know the truth, they will not make a mistake. If the American people know the truth, they will not make a mistake.

Our job is to make sure they know the truth about the Affordable Care Act, the kinds of options and opportunity they can find through these exchanges and through these health marketplaces across the country. Let's stick to the truth.

In closing, the truth is this bill that is before us shouldn't be a vehicle for health care reform, getting rid of it or expanding health care reform; this should be a roadmap to help us save money, clean our environment, preserve energy, reduce energy, and foster American technology. That is great. That is not a triple play. If they had four outs in an inning, there would be four of them.

Senator SHAHEEN—Senator PORTMAN is not with us—my hat is off to both of them. Thank you for leading the way. We are happy to be, as we say in NASCAR, drafting on you, and hopefully we will draft right across that finish line with you.

Thank you very much.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Before my colleague from Delaware leaves the floor, I wish to think him for coming down, speaking on the bill, and for his kind words. As the Senator pointed out, we were Governors together. Actually, we have another former Governor on the floor, Senator KING of Maine, who also appreciates dealing with the challenges of high energy costs.

The Senator pointed out, and something that I know, that as Governors energy was a big issue for us. In New Hampshire we have the sixth highest energy costs in the country, so it is still a big issue for us in New Hampshire. As the Senator points out, energy efficiency is the cheapest, fastest way to deal with our energy needs because the energy we don't use doesn't cost us any money.

I would argue that, as the Senator mentioned when he closed, this is not just an opportunity for a triple play but an opportunity for us to win on four fronts: on job creation, on reducing pollution, on savings for businesses and for consumers who have to use energy, but also on national security. Because to the extent we can reduce our dependence on foreign oil, it helps improve our national security. So this bill is a win-win-win-win.

The amendments, such as the one the Senator is talking about today with Senator INHOFE, improve the bill significantly. If we can call up that amendment today—the amendment of the Senator from Delaware on thermal energy—we can probably get a voice vote on it because it has that kind of bipartisan support in this body. It is something the committee has looked at—both the majority and the minority on the energy committee—and said this is an amendment we think can be supported and has great bipartisan support.

As the Senator from Delaware says, we need to have these votes on energy, we need to get a comprehensive energy-efficient strategy in this country, and that is what Shaheen-Portman does. I very much appreciate the Senator's good work on this legislation.

Mr. CARPER. Reclaiming my time for a moment—and I note Senator ANGUS KING is patiently sitting over there waiting to speak—I said earlier the cleanest, most affordable form of energy is the energy we never use. The cleanest, most affordable form of energy is the energy we never use. Whoever said that first was a wise man or woman. That is the case here, and so I

thank Senator SHAHEEN for leading us toward that goal.

Mrs. SHAHEEN. I thank the Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, I am here, as the Presiding Officer knows, for the 43rd time now, to say it is time to wake up to the threat of climate change. Today I am joined by my colleague from Maine, Senator ANGUS KING, a fellow New Englander, whose State, like Rhode Island, has rich cultural and economic ties to the sea. As carbon pollution changes our oceans, the consequences for our States, for our fishermen, for our economies, for our way of life are very real—far more real than the lives of the deniers.

Here is what we know: The oceans are warming. That is a measurement, it is not a theory. Sea level is rising. That is another measurement, not a theory. And oceans are becoming more acidic. Again, that is a measurement.

In fact, according to research published in the journal Oceanography, the acidity of the oceans is now increasing faster than it has in the last 50 million years. We know what is causing it—carbon pollution. My colleagues can deny and delay and dance all day to the polluters' tune, but these are facts.

The changes are already reaching our marine life. A research paper published in August looked at the changes over time of where species have lived, when they laid their eggs, and how they have grown their shells. The authors concluded that more than 80 percent of the changes documented in the study were consistent with what one would expect as consequences of a warming and acidifying ocean.

Some species are moving toward the colder water of the North and South Poles, moving at about 10 to 45 miles per decade, extending their range. Events that are timed for spring and summer, such as egg laying or migration, are happening on average about 4 days earlier per decade. This means if a parent teaches their child how to fish, where the best spots are, how to dig for quahogs or what time of year to get the traps out, all of that changes by the time that child becomes a parent.

Here is how these changes are affecting Rhode Island, according to Christopher Deacutis, the previous chief scientist of the Narragansett Bay Estuary Program. I will read what he said:

> Although regional climate factors, such as the North Atlantic Oscillation, can influence temperature trends, there appears to be an overall increase in annual Narragansett Bay water temperature of about 3 degrees Fahrenheit since 1960. Fish species in Narragansett Bay are shifting, seemingly in step with increased temperatures. Jeremy Collie—

And he is a URI professor.

> —and others have shown that cold-water marine species, such as the winter flounder, which used to be the dominant fish species in the bay, are radically decreasing in numbers. Meanwhile, warmer-water species, such as summer flounder, scup, and butterfish seem to be increasing. More southern warm-water species that weren't seen in the past are likely to extend their range north as Narragansett Bay continues to warm. In addition, there seems to be an overall shift from large bottom-dwelling species, such as flounder, to small water column plankton-feeding species, such as anchovies.

That is the end of his quote.

NOAA researchers studied 36 fish in the northwest Atlantic Ocean—fish such as the Atlantic cod and haddock, yellowtail and winter flounders, spiny dogfish, Atlantic herring—and found that about half are shifting northward. Janet Nye, the lead NOAA researcher, said:

> During the last 40 years, many familiar species have been shifting to the north, where ocean waters are cooler, or staying in the same general area but moving into deeper waters than where they traditionally have been found. They all seem to be adapting to changing temperatures and finding places where their chances of survival as a population are greater.

Those are long descriptions of the situation. Here are some briefer descriptions. One Rhode Island fisherman told me: ''It's getting weird out there.'' Another said he is seeing ''real anomalies . . . things just aren't making sense.''

Some might say: Who cares about the winter flounder or these other fish, for that matter? Some people don't care about God's world or God's species unless they can monetize them. Let's answer them in the terms they care about.

The winter flounder has been a lucrative catch for Rhode Island fishermen, and according to a variety of estimates commercial fishing generates about $150 million to $200 million of spending per year in Rhode Island and directly supports about 5,000 workers. Recreational fishermen spend over $100 million annually and directly support about 2,000 workers.

Last year the Commerce Department declared the northeast groundfish fishery a disaster. To quote Acting Commerce Secretary Blank:

> The diminished fish stocks . . . resulted despite fishermen's adherence to catch limits intended to rebuild the stocks.

The Commerce Department says it is not overfishing that is preventing our stocks from rebounding. Scientists think warmer waters could be the culprit.

The effects of climate change on marine life don't stop with warmer waters. Carbon dioxide emissions are also causing our oceans to become more acidic. Last week two Rhode Islanders came down and visited us here in the Senate: Bob Rheault, the executive director of the East Coast Shellfish Growers Association, and Dave Spencer, president of the Atlantic Offshore Lobstermen's Association. Dr. Rheault told my colleagues about shellfish larvae literally dissolving because of more acidic waters. More acidic waters caused a 70- to 80-percent loss of oyster larvae at an oyster hatchery in Oregon and crashed wild oyster stocks in Washington State. This is an industry worth millions to those local economies.

The problem, as Dr. Rheault pointed out, is that while we know carbon pollution is causing ocean acidification, we don't know enough yet how to protect the shellfish industry. We could help by continuing support for the Federal Ocean Acidification Research and Monitoring Act and by supporting funding for the U.S. Integrated Ocean Observing System. We could support funding for the National Endowment for the Oceans. We need to better understand the changes around us to protect the economic, ecological, cultural, and recreational value our oceans and coasts provide.

Rhode Islanders are already working hard to rebuild our fishing industry. We are managing overfishing and limiting water pollution. We have planned for the future by developing a special area management plan for our coasts and waters. We are working on a shellfish management plan to better support an industry that is growing at 20 percent a year. We have supported world-class oceanographic research with scientists at URI's Graduate School of Oceanography, conducting some of the highest quality long-term research on marine ecology.

My wife Sandra was part of that research tradition at URI, and I can remember as a young husband helping her in her lab and out on the bay.

There was a story recently in the Providence Journal about a lobsterman named Al Eagles, out on his boat near the Newport Bridge recording on a tablet computer the size, gender, and location of lobsters he catches. Mr. Eagles is working with the Commercial Fisheries Research Foundation trying to improve the southern New England lobster stock assessment. American lobsters have been, in the past, Rhode Island's most valuable commercial catch. Mr. Eagles said:

> The last 2 years it has been very slow. It's been the worst 2 years we've ever had.

In Rhode Island, lobster catches and stocks rose rapidly in the 1990s and then plummeted around 2000.

Again, it is a similar story. Scientists think the lobsters are moving offshore and northward to shelter in cooler waters. As the lobsters move offshore and change their traditional behavior, we need to know more about what is going on. But it gets more difficult. We are doing our level best, from our scientists to our fishermen, from our labs to our lobster boats, to understand. There is now so much more we need to understand. Fisheries and fisheries management, like so many other industries, is going to have

to operate in a new reality—a reality of warmer and more acidic seas.

In the colder waters of Maine, as Senator KING will explain, a lobster boom continues, but it is not all good news, and Maine lobstermen are already sounding the alarm bells at what climate change will mean for them in the future. The fates of our two coastal economies—Maine's and Rhode Island's—are connected.

The Presiding Officer represents the State of Massachusetts, which is right in the middle of this problem as well. None of our three States can solve what carbon pollution is doing to our oceans alone. Even with our three States working together, we can't solve what carbon pollution is doing to our oceans. Federal action is necessary to reduce the carbon emissions that are warming and acidifying our seas and to help us adapt to the changes we can no longer avoid. Fishermen and scientists know these challenges are real, as does my friend from Maine, Senator ANGUS KING. But we can't act alone. It is time for all of Congress to wake up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

A LOOMING THREAT

Mr. KING. Madam President, in the 1930s there was a looming threat from Germany to the peace of Europe and to the existence of England. That threat was real, and there were multiple signs. There was data. But there were very few people who wanted to do anything about it because it would have caused disruption—economic and personal disruption.

There was one politician in England who understood this threat, understood its dangers, and understood that if gone unmet it would engulf his country into a destructive and potentially catastrophic war. Of course, that politician was Winston Churchill. He saw the danger based upon data—the size of the German air force, the building of munitions, the invasion of other smaller countries, the expansion of Germany and their armed forces. He was ignored and ridiculed by his own party and by the leadership of his own party, but he kept talking. He kept raising this issue. He kept trying to raise and awaken the people of England. It was a very difficult task. In fact, our own great President John F. Kennedy wrote his thesis as a student about this period in English history, and the title was very provocative and forward-thinking: ''Why England Slept.'' Churchill tried to wake them up. Had he been heeded, World War II could have been avoided.

There were multiple times when Hitler could have been stopped by the slightest bit of resistance on the part of the European powers. Instead, the war came, and 5 years later 55 million people had died. Not heeding warnings has consequences, and we can always find reasons for nonaction. Churchill acknowledged this. The British had been through the trauma of World War I less than 20 years before. They couldn't face the possibility of another devastating war. That is totally understandable, and that is human nature.

To capture the flavor of Churchill's warning, which I think is very relevant to us here today, here is what he said in a speech to the Parliament on November 12, 1936:

> The era of procrastination, of half measures, of soothing and baffling expedience, of delays, is coming to its close. In its place we are entering a period of consequences. We cannot avoid this period, we are in it now.

He understood the resistance of the people in England. He said:

> We recognize no emergency which should induce us to impinge on the normal course of trade. If we go on like this, and I do not see what power can prevent us from going on like this, some day there may be a terrible reckoning—

That reckoning was World War II—

> and those who take the responsibility so entirely upon themselves are either of a hearty disposition or they are incapable of foreseeing the possibilities which may arise.

He then went on to talk about the responsibility of a parliamentary body. And I will conclude my comments on Churchill with this quote:

> Two things, I confess, have staggered me, after a long Parliamentary experience, in these Debates. The first has been the dangers that have so swiftly come upon us in a few years. . . . Secondly, I have been staggered by the failure of the House of Commons to react effectively against those dangers. That, I am bound to say, I never expected. I never would have believed that we should have been allowed to go on getting into this plight, month by month and year by year, and that even the Government's own confessions of error would have produced no concentration of Parliamentary opinion. . . . I say that unless the House resolves to find out the truth for itself, it will have committed an act of abdication of duty without parallel in its long history.

CLIMATE CHANGE

Madam President, I rise today because we are entering a period of consequences. It is 1936. It is August 2001, when we had warnings that Al Qaeda determined to strike in the United States.

I actually carry this chart around in my iPhone, but I blew it up for today's purposes. It is a chart of the last million years of CO_2 in the atmosphere. I believe this chart answers two of the three basic questions about global climate change.

The first is, Is something happening? And occasionally we hear people say: Well, climate change happens in cycles, and CO_2 goes up and down, and we are just in a cycle and it is no big deal.

This is 1 million years, and for the past 999,000-plus we did have cycles. The cycles were between about 180 parts per million in the atmosphere up to about 250—I think 280 was the highest—back 400,000 years ago. But this has been the cycle since before human beings started to actively impinge upon the environment.

Then comes the year 1000. We go along here at a fairly high level, and then around 1860 it starts to go up. What happened in 1860? That was the beginning of the Industrial Revolution. That was when we started to burn fossil fuels in large quantities, whether it was coal, later oil, gas. But that was when it happened.

So this answers the second question, which is, Do people have anything to do with it? Of course they do. It would be the greatest coincidence in the history of the world if this change just happened to begin at the same time as the Industrial Revolution.

Then you see where it has gone since 1960. This chart is actually a couple of years out of date. This point is just below 400 parts per million. We passed 400 parts per million this summer. We are now here.

I don't see how anyone can look at this chart and conclude anything else. A, something is happening to CO_2 in the atmosphere, and B, people are involved in causing it. I just don't see how you can escape that.

I believe this is the other piece about this 400. The last time we had 400 parts per million of CO_2 in the atmosphere we know from ice cores was 3 million years ago, during the pliocene period. I knew someday my sixth grade geology would come to the fore. And when we had 400 parts per million of CO_2 in the atmosphere 3 million years ago, sea levels were 60 to 80 feet higher than they are today. As the distinguished Senator from Rhode Island said, this isn't argument. This isn't theory. This is data. This is fact.

Remember I said there are three questions about global climate change. One is, Is CO_2 really going up? The answer is yes. Two is, Do people have anything to do with it? The answer is yes. The third question is, So what? So what if CO_2 is going up?

Here is an interesting chart of the past 400,000 or 500,000 years. You have a red line and a black line. The black line is temperature and the red line is CO_2. As you can see, it is an almost exact correlation. I don't think anybody could argue, looking at this, that the amount of CO_2 in the atmosphere has nothing to do with the temperature on the Earth. Is it causal? Is there a correlation? There are a lot of things going on here about feedback loops, and it is very complicated. Climate science is one of the most complicated sciences there is. But I don't think you can look at this chart and say there isn't some relationship between carbon dioxide in the atmosphere and temperature. This is what has been happening as CO_2 and temperature move essentially in lockstep.

I should mention that often when we are talking about these things—and the Senator from Rhode Island knows what I am saying—people tend to think that we are talking in long periods of time, we are talking about geologic time, thousands of years. No. Climate change often happens abruptly. That is a word that ought to strike fear into our hearts. Abruptly. Almost overnight.

This is temperature and size of the ice field in Greenland. You can see it going back 5,000 to 10,000 years. Here it is going along, temperature goes along, starts to drop, and then it drops in a decade. It is as if someone throws a switch. So this isn't something where we can just say: Oh well. We will do a few little things now and maybe it will be OK, and then 100 years or 500 years from now somebody else will worry about it. There could be a catastrophic event within years, certainly within decades.

The University of Maine has a center that talks about climate change. When I went up to see them last spring, they said: Senator, you have to understand, we are talking about the possibility of abrupt climate change, not just climate change. I think that is a very important point to realize.

So what difference does temperature make? If it gets a little warmer, Maine will have a longer tourist season. That will be OK if it is warmer. I don't think anybody will complain if it is warmer in Maine in February—maybe the ski industry. But what difference does it make?

It makes a lot of difference. It makes a lot of difference to species, but it also makes a lot of difference to people.

Here is a chart that shows what would happen to many of our coastal communities with a sea level rise that is reasonably modest. The dark red out here is a 1-meter rise. It goes up to 6 meters. That is about 20 feet. But remember the last time we were at 400 parts per million, it was 60 to 80 feet. So this is conservative. This is a smaller example of what can happen if we let this happen to us.

Boston essentially is gone. A good deal of downtown Boston, Virginia Beach, Norfolk, the Outer Banks—gone. Southern Florida, Miami, the eastern coast of Florida all the way up into Tampa—gone. By the way, there is no more fresh water in Florida during this period either because of the intrusion of seawater into the water table. New Orleans is all gone. This is at 20 meters. In fact, it is not even that. This is about a 3-meter rise. Going up, Savannah and Charleston, New York City, Long Island, the New Jersey shore—all gone.

This isn't academic. This impacts billions of dollars of expenditures to try to fight this off and to hold it at bay.

What about species? In Maine we talk about lobster. The lobster is an iconic product of Maine. It is a huge part of our society, it is part of our culture, it is also a big part of our economy. Well over $1 billion a year in Maine is attributable, in one way or another, to the lobster. The lobster population in Maine was pretty steady for an awful long time. When I was Governor—and that was 10 or 12 years ago—we harvested roughly 50 million pounds of lobster per year. That was the way it had been, between 40 and 50 million. In 2008 it went to 69 million pounds; in 2009 it went to 81 million; 2010, 96 million—last year, 123 million pounds, more than twice as much as what was harvested 10 or 12 years ago.

I am sure you are saying to yourself: What is the problem, Senator? The lobsters are doing great.

They were doing great in Rhode Island and Connecticut until the temperature started to kill them off. It makes a boom and then there is a danger—we certainly hope it will not happen—but there is a danger of a collapse. That is what happened. The lobster fishery in southern New England has essentially collapsed.

The lobster makes up about 70 to 80 percent of our fisheries' value. What is happening in Maine is as the water gets warmer the lobsters go north. Is the water getting warmer? Here is Maine—Boothbay Harbor, ME, a great town. If anybody wants to visit, it is a wonderful place to visit. I have to get in that little bit of promotion.

Here is the water temperature in Boothbay Harbor over the last 10 years. It is going up. It is getting warmer. There is no indication—in fact, if you follow the curve here, it appears it is headed into an accelerating mode, the famous hockey stick.

Anything above 68 degrees of water temperature is very stressful to lobsters. The University of Maine says:

> While warmer waters off the coast in recent years have probably aided the boom in lobster numbers, putting us right in the temperature sweet spot . . . we're getting closer and closer to that point where the temperature is too stressful for them, their immune system is compromised and it's all over.

''And it's all over,'' that is a frightening phrase, it is all over. In the 1980s lobster fishing was concentrated in southern Maine, along our coast, in what is called Casco Bay, which is down around Portland. Then it moved up into what is called the midcoast, Lincoln County near where I live. The bulk of the lobster fishing moved up into Penobscot Bay and now the bulk of the lobster fishing is in what we call Hancock County, the village of Stoning, ME. At least that is where it was last year. In other words, the lobsters are moving north because the temperatures are getting warmer. That is what is happening.

I have a young man on my staff whose father is a lobster buyer in the midcoast of Maine. His father has been buying lobster since 1975. This past summer he bought 200 crates a night of lobsters; 10 years ago he was buying 100. So it has doubled. But what we are worried about is that when the lobster line passes, this industry is gone. We saw it collapse in southern New England, Rhode Island. In 1999 lobstering in Long Island Sound collapsed totally without warning, in part because of an infection that was brought about by the warmer water temperatures.

I use lobster as just an indication. You can substitute your own issue, local issue. Whether it is lobsters in Maine or flooding in Colorado, the impacts are real.

So what do we do? I hate raising problems and not talking about what to do. By the way, I have to say I am puzzled about why this has become a partisan issue. I do not understand it. Maybe it is because Al Gore invented it? I don't know. But I don't understand why this became a partisan issue because it is a scientific issue, it is a data issue. The data is overwhelming.

So what do we do? By the way, I should mention when I was a young man working in and around the legislature in Maine, the leaders of the environmental movement in Maine who passed the major legislation to protect our environment were all Republicans—not all, but most of them were Republicans and they were great names in Maine history.

OK, what do we do? The first thing we have to do is admit there is a problem. If you do not admit there is a problem, by definition you cannot address it. That is No. 1. I think the data is becoming overwhelming.

The second thing you have to do is gather all the facts and information you can. Gather all the information. It has been my experience in working on public policy most of my adult life, if you have shared information, if the people working on the problem have the same facts, generally the conclusion, the policy, is fairly clear. It may be controversial, it may be difficult, but usually it becomes pretty self-evident if everybody shares the same sets of information. Once we can agree on the facts, the solutions become clear.

What are some things we can do in the near term? We have to talk about mitigating the impacts. We have to talk about the fact that fisheries are made up of both fishermen and fish. As climate change alters these coastal economies, we have to work to preserve both. We have to work with groups such as a nonprofit in Maine called the Island Institute that is working to preserve Maine's working waterfronts, and we also have to make sure our Federal fisheries management laws take cognizance of what is going on here and manage ecosystems, not just single species. We have to take cognizance of the fact that the fish are in fact moving.

In the long term, it seems to me, it is pretty simple. The big picture answer is we have to stop burning so much stuff. That is what is putting carbon in the atmosphere. Whether it is in our automobiles, our homes, our factories, our powerplants—it is burning fossil fuel that is putting CO_2 into the atmosphere. That is why the efficiency bill we are on this week is an important bill, because it cuts back on the use of energy altogether and saves us in terms of putting CO_2 into the atmosphere.

The President has proposed a carbon agenda that I think is an important first step. But this is hard. Dealing with this is a hard issue, just as dealing with the prospect of World War II was a hard issue in England in 1936. It

is hard because it is going to require changes that are going to be, perhaps, expensive, and significant modifications—because our whole society is based on burning stuff. That is what makes our cars and trucks go, that is what makes our transportation system work, that is what keeps us warm in the winter, cool in the summer, and creates the electricity for all the products we use. It is hard because of the internal impacts.

It is also hard because it is an international problem. The Senator from Rhode Island talked about this being national. You know, Maine and Rhode Island can't fix it. He says the Federal Government has to step in. I would take it one step further. This has to be an international solution. We cannot take steps which would compromise our economy at the same time China and India are becoming major polluters. Air doesn't respect international boundaries. CO_2 is the same whether it is coming up from China, India, Europe, or the United States. I believe this is a case where we absolutely have to have international cooperation.

We have to do something. We have to do something. The generation that nobly woke up to World War II and fought it and preserved this country and Western civilization for us has often been referred to as the ''greatest generation.'' The reason they were the ''greatest generation'' is they were willing to face a problem and make enormous sacrifices in order to deal with it, to protect us and our children and grandchildren and our ability to function in this new world. They were the ''greatest generation.''

I have to say, if somebody were going to characterize us, we would be characterized as the oblivious generation, the generation that saw the data, saw the facts, saw the freight train headed for us and said: That is OK, it is business as usual, don't bother me, I don't want to be inconvenienced.

To go back to Churchill:

> The era of procrastination, half-measures, of soothing and baffling expedients, of delays, is coming to its close. In its place we are entering a period of consequences. . . . We cannot avoid this period; we are in it now.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, may I take this opportunity to thank my friend Senator KING for his remarkable comments on the Senate floor. I think it truly is our choice in this time and in this generation to be Nevilles or to be Winstons. Which way will we go? On that choice will hinge history's judgment of us.

There was another good Winston Churchillism that talked about '' . . . the sharp agate points, upon which the ponderous balance of destiny turns.''

For better or for worse, we live at a time that is a sharp agate point upon which the ponderous balance of destiny will turn. Senator KING has done a wonderful job of calling us to that duty and to that responsibility. I fear that in this particular body the facts are less relevant than the interests that are involved.

There are special interests, there are polluters who are calling a tune to which too many of our Members are happy to dance. I worry that many of them will be willing to go down with the ship; that as the waters gurgle down their throats that last time, the last words up out of their mouths will be the flagrant falsehood: But the science still isn't real.

As much as I would like to see us solve this problem in this Chamber, as committed as I am to making that happen, I think we do have to call on the American people to stand and be counted and to make sure their voices are heard, because the choice that is before us is one where the American people have a view. They understand this problem and they know it is real. They are not fooled. They are not part of the polluters' dance. But they have to be heard. Whatever we can do to make sure their voices are reflected here I think we need to do.

There are some very important voices that recognize climate change is real: the United States Conference of Catholic Bishops, the Joint Chiefs of Staff, the entire property casualty insurance industry, the nameplate corporate leaders of America—whether it is Ford and GM or Nike and Apple or Coca-Cola and Pepsi, our national security establishment or national intelligence establishment and our foreign policy establishment. Wherever you look, people get it, except right here where the polluters call the tune and too many of us dance to it.

But with more people standing up the way Senator KING did, the sooner we will be able to bring that day. I am confident the American people will get this done and get it right.

The last Churchillism—I am kind of a fan of Winston Churchill: The American people will always do the right thing, after they have tried everything else.

We work together to bring that day forward.

Let me change the subject briefly to remark on a different occasion. It is also oceans related.

BATTLE OF LAKE ERIE

We have just been through the 200th anniversary of one of the pivotal naval victories in our Nation's history which was led by a great Rhode Island hero, Commodore Oliver Hazard Perry. Commodore Perry was born just after the dawn of our Republic in 1785, in South Kingstown, RI. His father Christopher Perry had fought in the American Revolution and after the war became a captain in the U.S. Navy. By the time young Oliver reached his teenage years, he was already serving as a midshipman on his father's vessel. Interestingly enough, his father's vessel was called the General Greene, named after Rhode Island's Revolutionary War hero Nathanael Greene, whose statue stands in this building—in the center of the Capitol—and who is renowned. General Cornwallis is reputed to have said that ''Greene is more dangerous than Washington.''

Young Oliver Perry was also destined for great things. The late 1700s and the early 1800s were a very precarious time for this fledgling American democracy, and it was still an open question whether our experiment in self-government would endure. In 1812, when America once again declared war on Britain, following a series of disputes over trade and territory, the future of this young democracy hung in the balance.

Oliver Hazard Perry went to war. He began his war service in Newport, RI, but in February of 1818, as the War of 1812 raged on, Perry was given command of the American forces on Lake Erie.

When Perry arrived in the region, the British had taken Detroit and were looking to expand their control of the American Northwest. As Richard Snow wrote in his chronicle of the Battle of Lake Erie for American Heritage magazine: ''Perry took command vigorously and at once.'' He oversaw an aggressive shipbuilding operation on the lake's shore and worked diligently to raise enough men and guns to carry out his mission. GEN William Henry Harrison, later to be President, had positioned his fleet into a stalemate with British GEN Henry Procter on Lake Erie, leaving Perry and his fleet with the responsibility of retaking the lake for the United States.

Perry sailed west and holed up in Put-in-Bay on Lake Erie's South Bass Island. There he waited until, on September 10, 1813, Robert Heriot Barclay sailed his British command within sight of Commodore Perry's lookout. As Snow wrote about that:

> The American ships cleared for action; stands of cutlasses were set up on deck, shot was placed near the guns, and the hatches were closed . . . Sand was sprinkled on the deck so that the sailors could keep their footing when the blood began to flow. Perry brought the ship's papers, wrapped in lead, to the ship's surgeon and told him to throw them overboard should the Lawrence be forced to strike. Sometime during the morning he hoisted his battle flag, a blue banner bearing the dying words attributed to Captain Lawrence: ''Don't give up the ship.''

The battle commenced, but the British were better armed and gained an early advantage. Soon enough, Perry's flagship, the Lawrence, was crippled, but he refused to give up. He took down his flag, climbed aboard a small row boat, and made his way toward the Niagara, the Lawrence's sister ship which had yet to engage in the battle. Perry's crossing between the ships is the inspiration for William Henry Powell's painting, which hangs in the staircase directly outside of this room right now. It is the biggest painting in the Senate, and it features a hero of the littlest State in the country.

From the Niagara, Perry reengaged the battle with the British and ultimately gained the day. He forced their surrender and sent the now famous message to General Harrison: ''We have met the enemy and they are ours.'' Lake Erie had been secured for America.

The War of 1812 continued on through 1814, but Perry's victory on Lake Erie was pivotal. Had the British taken Lake Erie, it would have provided a base for attacks into New York or into the new State of Ohio and for control of the American Northwest. Instead, the Treaty of Ghent ended the conflict with no loss of territory or trade to the United States.

Perry continued his naval service after the war, but he contracted yellow fever during a mission to Venezuela in 1819 and he died at the age of 34. Today, his name and his actions are remembered in ways large and small throughout our country. In Ohio, on Lake Erie, a bicentennial celebration was held this year commemorating the great battle, and Put-in-Bay boasts a memorial maintained by the National Park Service—Perry's Victory and International Peace Memorial. I am told that up there one can toast to Perry's victory with a Commodore Perry IPA, courtesy of Cleveland's Great Lakes Brewing Company.

In Rhode Island, one can travel along Commodore Perry Highway in his native South Kingstown or visit the newly commissioned Rhode Island tall ship SSV Oliver Hazard Perry, which will provide education-at-sea programs to Rhode Island kids.

It is fitting that we continue to honor this great Rhode Islander. His victory on Lake Erie was, to borrow from Churchill, one of those ''sharp agate points'' on which history turned. So today I hope we will all take a moment and remember Oliver Hazard Perry and reflect on how differently our world would have turned out were it not for his actions.

I thank the Chair, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KING. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. KING. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTITUTION DAY

Mr. LEAHY. Madam President, today, the Nation celebrates the 226th anniversary of the Constitution's signing. That moment was a decision to create a Federal Government with the power to address national problems. During the Constitutional Convention, the delegates debated hundreds of issues and proposals before crafting the original version of the Constitution. Even then, though, the true genius of their charter was article V, which provided for later amendments—because the Founding generation knew that they did not have all the answers and they had faith in future generations to perfect their charter and ''form a more perfect Union.'' And so, step by step, we have. ''We the People'' have shown a continuing concern for the sacred right to vote. And we have amended the Constitution six times to expand that right.

For over 2 centuries, the Constitution has allowed America to flourish and adapt to new challenges. Since the inclusion of the Bill of Rights in 1791, the Constitution has been amended 17 times. Our current version of the Constitution reflects not just the Founders original crafting, but also the need for subsequent amendments. Today is a good day to remind the American people that when we pledge to support the Constitution, we must pledge our support for the whole Constitution, and not just those specific provisions and amendments that we favor or find convenient to uphold.

Too often, I have heard people who profess to support the original meaning of the Constitution, ignore the subsequent amendments that inform and alter that original meaning. Some even express strong support for specific amendments, but then ignore others. That is not how our charter functions. It is not a menu that you can pick and choose from. The whole Constitution is what we celebrate today.

This past June, when the Supreme Court issued its decision on the Voting Rights Act, I noticed that there was surprisingly little discussion of the fundamental importance of the Reconstruction Amendments. After the Civil War, we transformed our founding charter into one that embraced equal rights and human dignity by abolishing slavery, guaranteeing equal protection of the law for all Americans, and prohibiting racial barriers to the right to vote. I find it alarming that many who claim to support and honor the Constitution conveniently ignore these critical amendments that made our Nation a more perfect one after the Civil War.

There are perhaps no two amendments that have played a larger role in securing liberty and equality for all Americans than the 14th and 15th Amendments. Without the 14th Amendment we would still have ''separate but equal'' treatment of Americans and State-sanctioned gender discrimination. Without the 15th Amendment, minorities would continue to be excluded from fully participating in our democracy.

The importance of these amendments was clear upon passage. President Ulysses S. Grant in 1870 signed a bill into law that created the United States Department of Justice to help facilitate the enforcement of the 14th and 15th Amendments. But the Justice Department does not have sole responsibility for supporting and upholding the 14th and 15th Amendments. Congress, as provided by the text of the Amendments, has an even greater role in enforcing the mandates of those Amendments.

Section 5 of the 14th Amendment states that: ''The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.'' Section 2 of the 15th Amendment states that: ''The Congress shall have power to enforce this article by appropriate legislation.'' It is clear that the Constitution has placed the burden on Congress to ensure that all Americans are entitled to the freedoms and rights guaranteed by these two amendments.

It is for this reason that Congress must respond to the recent Supreme Court decision severely undercutting the Voting Rights Act by passing legislation that protects against racial discrimination in voting. It is our duty and constitutional obligation to not waver from the path of greater political inclusion that we have set for the Nation through our bipartisan support of the Voting Rights Act. I hope that Congress will work with me so that we can provide the protections guaranteed by these two amendments for all Americans.

On this day, as we commemorate the signing of the Constitution of the United States of America 226 years ago, I hope that Congress will be reminded of its obligation not only to periodically read the words of our founding charter, but to act and to give meaning to those words. I look forward to working with fellow Senators to reinvigorate the Voting Rights Act this fall to uphold our constitutional values and ensure that every American enjoys the right to vote.

CITIZENSHIP DAY

Mr. LEAHY. Madam President, in 1940, Congress officially recognized the values inherent in United States citizenship by enacting legislation to designate a day of commemoration. At that time, the third Sunday in May was designated ''I Am an American Day.'' In 1952, Congress passed new legislation to move the commemoration date to September 17, the date in 1787 the Constitution was signed. September 17 became known as Citizenship Day, a day that we recognize today.

Today's celebration of the values represented by United States citizenship represents also a celebration of our democracy. In Vermont, United States Federal District Court Judge William Sessions will conduct a naturalization ceremony today. Once again the President will issue a proclamation to honor

the principles of what it means to be an American. I am proud to join the President in the official recognition of the citizenship process and all it represents.

Last week, as Americans remembered and reflected upon the tragedy of September 11, 2001, I was reminded of how I recognized that terrible day on its 1-year anniversary. With Judge William Sessions, on September 11, 2002, we convened a naturalization ceremony in Vermont's historic State House. I was honored to speak at that ceremony and at others in the years following. These celebrations, in which we welcome new Americans, reflect America's resiliency and ongoing renewal. They also serve as an emotional reminder to me what it means to be part of this country. When we say to those who aspire to be Americans that we welcome you regardless of religion, ethnicity, native language, or culture, we honor the principles upon which America was founded, and which Americans spanning generations have given so much to defend.

This August, I was privileged to be invited to participate in a naturalization ceremony by the Chief Judge of the Federal District Court for the District of Vermont, Christina Reiss. I was moved then, as I am at every naturalization ceremony I attend, by how uplifting and hopeful this process is for those who have earned it and for those including myself who witness it.

In June, 68 Senators voted to pass a comprehensive immigration reform bill. The Senate and so many Americans—and aspiring Americans—wait with optimism and hopefulness for the House of Representatives to act. The core of the Senate's legislation was the opportunity for many millions of undocumented people living in the United States to enter the lawful immigration system, and to one day become citizens. The Senate recognized that the time for action is now and in acting, upheld the sacred values we celebrate today.

CONSTITUTION DAY

Mr. HATCH. Madam President, especially in times of crisis but also in times of ease, Americans have reason to reflect on the foundation of the life we enjoy as a Nation. More than the citizens of any other country, when Americans think of their collective lives or their individual liberties, we think of a document. On this day, 226 years ago, a group of America's Founders signed the Constitution of the United States.

In May of 1787, 55 of the 70 delegates chosen by 12 of the 13 States gathered in the Pennsylvania Statehouse, where both the Articles of Confederation and the Declaration of Independence had been signed. Just 115 days later, 39 of those delegates signed the Constitution and within 18 months it had been ratified and was the supreme law of the land.

The Constitution is special both for whose it is and for what it does. The Constitution's first three words identify its ownership when it says ''we the people.'' The Constitution belongs to the people. The Constitution is also special for what it does. It both empowers and limits government. The Constitution gives powers to government by delegating enumerated powers to the Federal Government and reserving the others to the States and the people. And the Constitution limits those powers in multiple ways, including the very fact of being written down. As the Supreme Court put it in Marbury v. Madison, the Constitution was written so that the limits on government would be neither mistaken nor forgotten.

Put these two principles together and we see that the Constitution is the primary tool for the people to control their government. That is both the genius of its design and the source of its vitality. The Constitution lives because of whose it is and what it does. Departing from that design kills the Constitution.

President George Washington said in his farewell address that the very basis of our political system is the people's right to control their Constitution. Take away that right, undermine that control, strikes at the heart of the system of government that has given us liberty unparalleled in human history. That is why, for example, we contend over the appointment of Federal judges, many of whom appear willing or even determined to control the Constitution rather than to be controlled by it.

In times of crisis, we often look to the powers of government and in times of ease, we may emphasize more the limits on those powers. But let us never mistake or forget whose the Constitution is and what it does so that it may continue to fulfill the purposes stated in its preamble: to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

REMEMBERING DEREK JOHNSON

Mr. HATCH. Madam President. I appreciate the opportunity today to honor a true Utah hero—Sergeant Derek Johnson. Sadly, Sergeant Johnson lost his life in Draper, UT on the morning of September 1, 2013 in the line of duty.

From a very young age, Johnson always knew he wanted to be a police officer. His childhood aspirations became reality as he worked in various aspects of law enforcement. While he was still in high school he was an Explorer Scout for the Sandy City Police Department; followed by time as a police dispatcher, and then completion of police academy training. He has worked for the Draper City Police Department for the past 8 years, first as a reserve officer and then a full-time officer, and recently as Sergeant.

In 2012, Johnson was presented with the Distinguished Service Medal for his role in the investigation and prosecution of a child abuse homicide in 2012. He also received the Life Saving Award, and the 2012 Community Policing Officer of the Year.

Those who knew Johnson said he loved his family, and he loved his work as a police officer. Johnson has been described as someone with a good nature and a sense of humor that could light up any room; and the ability to make anyone his friend.

Draper City Mayor Darrell Smith stated: ''I have known Derek for many years. He is one of the best and most qualified sergeants on our force.''

Johnson leaves behind his childhood sweetheart and wife Shante' Sidwell Johnson, their 7-year-old son, Bensen who he called his ''little buddy,'' his parents Randy and Laura Johnson, and many other family and friends.

I have the highest personal regard for those who not only enter law enforcement but put their lives on the line each day to protect and serve our fellow men, women and children in communities across America. Sergeant Johnson did just that—he sacrificed to keep his community safe and we owe a debt of gratitude to him for his courage and selfless service.

It is my sincere hope that Shante' and Bensen and the many family members and friends who love Sergeant Johnson will find peace and hope in the life he lived and the example he set for so many to follow.

REMEMBERING MARREEN CASPER

Mr. HATCH. Mr. President. I am grateful for this opportunity today to pay tribute to a truly extraordinary woman—Marreen Casper. Sadly, Marreen passed away on September 14, 2013, while she was serving a mission for the Church of Jesus Christ of Latter-day Saints with her husband Ron Casper in Tennessee.

I had the wonderful opportunity of working with Marreen while she served on my staff for 13 years. She retired at the end of last year to pursue new opportunities in life, and to spend time with her family whom she greatly loved. Throughout her years of service in my Senate Office, she distinguished herself as someone who truly cared about our great State and its citizens. For many years she worked as my Southern Utah Field Director and became immersed in the many communities she served. She had a dogged determination and a great compassion for the citizens of southern Utah and had a ready smile and helping hand for all. She literally had friends in every corner of Utah through associations she has made and help she has rendered.

There has been no assignment ever given to Marreen that she did not fulfill willingly and with enthusiasm. She was a world-class volunteer for schools,

campaigns, and other causes she believed in; dedicated Senate employee who fulfilled her duties in a professional, caring manner; faithful servant in her church; and loving wife and mother. Marreen was absolutely loyal and always approached challenges and obstacles with grit and determination.

To know Marreen was to know one irrefutable truth—she truly loved her family. She was very proud of her children and grandchildren. Family photos adorned her office walls, and conversations with Marreen were always peppered with anecdotes and stories of events and accomplishments taking place within her family. She was very careful to always balance her work responsibilities with family time. In fact, most of her vacation days were spent traveling to visit and participate in important events in the lives of family members. I know she attended sports events, graduations, baptisms, mission farewells, and so many other milestones in her children and grandchildren's lives and loved to regale her peers and friends with memories from these experiences. Marreen loved her family with her whole heart and soul and believed wholly in the power and strength of family.

Marreen also deeply loved the Gospel of Jesus Christ and had a strong and firm testimony of eternal life and in the teachings of our Savior. She served in many positions in the church and had a profound influence in the lives of those she worked with and through her beautiful example. Marreen and Ron had planned on serving a mission for the Church of Jesus Christ of Latter-day Saints for many years and carefully prepared for this opportunity to serve. She was thrilled to be called to Tennessee to spread the message of the Gospel and to help those in need. She was a true disciple of Jesus Christ and a loving example of missionary work going forward throughout the world. It is my firm hope that Ron and her family will find some peace and comfort knowing that Marreen died while in the service of her Heavenly Father whom she deeply loved.

I am grateful I had the opportunity to work and share a friendship with Marreen Casper. Her life although not as long as many would have hoped for; was a life well-lived. She was a woman deeply admired and loved. Elaine and I extend our deepest sympathies to Ron and her five children and many grandchildren. May they find peace and comfort in the cherished memories they have shared with this noble woman.

REMEMBERING ELMORE LEONARD

Mr. LEVIN. Madam President, when Michigan novelist Elmore Leonard passed away on August 20, the world lost an irreplaceable voice, a witty creator of unlikely and unforgettable characters who, like their creator, knew the value of brevity.

Leonard's novels took place in the American West, in the Everglades, in the Horn of Africa or the streets of Havana, but they always carried a little of his hometown, Detroit. His protagonists, like his hometown, were tough and gruff, but loveable and good-hearted, people of few words but bold actions. Like his hometown, Leonard's writing was without pretense or formality. ''If it sounds like writing,'' he said, ''I rewrote it.''

The New York Times accurately described Leonard as ''A Man of Few, Yet Perfect, Words.'' In 2001, he wrote for The Times a short essay on his tips for writers, titled, ''Easy on the Adverbs, Exclamation Points and Especially Hooptedoodle.'' Their aim, he said, was to ''remain invisible when I'm writing a book, to help me show rather than tell what's taking place in the story.'' His rules for writing are useful for all of us who write and want to be read, and I ask unanimous consent that they be printed in the RECORD. The world has lost a great writer. I have lost a friend.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Published: July 16, 2001]

WRITERS ON WRITING: EASY ON THE ADVERBS, EXCLAMATION POINTS AND ESPECIALLY HOOPTEDOODLE

(By Elmore Leonard)

These are rules I've picked up along the way to help me remain invisible when I'm writing a book, to help me show rather than tell what's taking place in the story. If you have a facility for language and imagery and the sound of your voice pleases you, invisibility is not what you are after, and you can skip the rules. Still, you might look them over.

1. Never open a book with weather.

If it's only to create atmosphere, and not a character's reaction to the weather, you don't want to go on too long. The reader is apt to leaf ahead looking for people. There are exceptions. If you happen to be Barry Lopez, who has more ways to describe ice and snow than an Eskimo, you can do all the weather reporting you want.

2. Avoid prologues.

They can be annoying, especially a prologue following an introduction that comes after a foreword. But these are ordinarily found in nonfiction. A prologue in a novel is backstory, and you can drop it in anywhere you want.

There is a prologue in John Steinbeck's ''Sweet Thursday,'' but it's O.K. because a character in the book makes the point of what my rules are all about. He says: ''I like a lot of talk in a book and I don't like to have nobody tell me what the guy that's talking looks like. I want to figure out what he looks like from the way he talks . . . figure out what the guy's thinking from what he says. I like some description but not too much of that . . . Sometimes I want a book to break loose with a bunch of hooptedoodle . . . Spin up some pretty words maybe or sing a little song with language. That's nice. But I wish it was set aside so I don't have to read it. I don't want hooptedoodle to get mixed up with the story.''

3. Never use a verb other than ''said'' to carry dialogue.

The line of dialogue belongs to the character; the verb is the writer sticking his nose in. But said is far less intrusive than grumbled, gasped, cautioned, lied. I once noticed Mary McCarthy ending a line of dialogue with ''she asseverated,'' and had to stop reading to get the dictionary.

4. Never use an adverb to modify the verb ''said'' . . .

. . . he admonished gravely. To use an adverb this way (or almost any way) is a mortal sin. The writer is now exposing himself in earnest, using a word that distracts and can interrupt the rhythm of the exchange. I have a character in one of my books tell how she used to write historical romances ''full of rape and adverbs.''

5. Keep your exclamation points under control.

You are allowed no more than two or three per 100,000 words of prose. If you have the knack of playing with exclaimers the way Tom Wolfe does, you can throw them in by the handful.

6. Never use the words ''suddenly'' or ''all hell broke loose.''

This rule doesn't require an explanation. I have noticed that writers who use ''suddenly'' tend to exercise less control in the application of exclamation points.

7. Use regional dialect, patois, sparingly.

Once you start spelling words in dialogue phonetically and loading the page with apostrophes, you won't be able to stop. Notice the way Annie Proulx captures the flavor of Wyoming voices in her book of short stories ''Close Range.''

8. Avoid detailed descriptions of characters.

Which Steinbeck covered. In Ernest Hemingway's ''Hills Like White Elephants'' what do the ''American and the girl with him'' look like? ''She had taken off her hat and put it on the table.'' That's the only reference to a physical description in the story, and yet we see the couple and know them by their tones of voice, with not one adverb in sight.

9. Don't go into great detail describing places and things.

Unless you're Margaret Atwood and can paint scenes with language or write landscapes in the style of Jim Harrison. But even if you're good at it, you don't want descriptions that bring the action, the flow of the story, to a standstill.

And finally:

10. Try to leave out the part that readers tend to skip.

A rule that came to mind in 1983. Think of what you skip reading a novel: thick paragraphs of prose you can see have too many words in them. What the writer is doing, he's writing, perpetrating hooptedoodle, perhaps taking another shot at the weather, or has gone into the character's head, and the reader either knows what the guy's thinking or doesn't care. I'll bet you don't skip dialogue.

My most important rule is one that sums up the 10.

If it sounds like writing, I rewrite it.

Or, if proper usage gets in the way, it may have to go. I can't allow what we learned in English composition to disrupt the sound and rhythm of the narrative. It's my attempt to remain invisible, not distract the reader from the story with obvious writing. (Joseph Conrad said something about words getting in the way of what you want to say.)

If I write in scenes and always from the point of view of a particular character—the one whose view best brings the scene to life—I'm able to concentrate on the voices of the characters telling you who they are and how they feel about what they see and what's going on, and I'm nowhere in sight.

What Steinbeck did in ''Sweet Thursday'' was title his chapters as an indication, though obscure, of what they cover. ''Whom the Gods Love They Drive Nuts'' is one, ''Lousy Wednesday'' another. The third chapter is titled ''Hooptedoodle 1'' and the 38th chapter ''Hooptedoodle 2'' as warnings to the reader, as if Steinbeck is saying: ''Here's where you'll see me taking flights of fancy with my writing, and it won't get in the way of the story. Skip them if you want.''

''Sweet Thursday'' came out in 1954, when I was just beginning to be published, and I've never forgotten that prologue.

Did I read the hooptedoodle chapters? Every word.

MANDATORY MINIMUM SENTENCES

Mr. GRASSLEY. Madam President, the Attorney General has recently announced that the Department of Justice will not charge certain drug offenders in a way that would trigger the

imposition of mandatory minimum sentences.

Before outlining some of the concerns that I have with the policy and the statement that the Attorney General issued on the subject, I do want to note that I agree with a number of the points that he made.

These are the specific points with which I am in agreement with the Attorney General:

The Department will coordinate with State, local, and tribal law enforcement to maximize the operation of Federal resources in criminal prosecutions.

The development of comprehensive anti-violence strategies by the U.S. attorneys with input from State and local authorities.

The designation by the U.S. attorneys' offices of coordinators for prevention and reentry.

Direct Federal assistance to hot spots of violence and the new use of COPS grants for school resource officers.

Creation of a new task force for violence experienced by Indian children.

Providing support for survivors of sexual assault, domestic violence, and dating violence.

Compassionate release of nonviolent inmates who are elderly and have served a long part of their sentences is wise.

And I favor addressing unwarranted racial disparities in sentencing.

That is quite a bit of agreement. I am pleased that we share some common ground.

But there are other statements of the Attorney General that I cannot agree with, and I think it is important to set the record straight.

Almost 30 years ago the crime situation in this country was far different from the 1960's on, crime rates had risen rapidly. One reason for that state of affairs was the way sentencing worked. There was often little relation between the length of sentence that was imposed and the actual time the offender served. Parole often led to release of criminals too soon, enabling them to repeat their crimes on other unsuspecting victims. Judges had almost limitless discretion in sentencing within a broad range. Sentences imposed depended much more on which judge was giving the sentence than the nature of the offense or the criminal history of the offender. Parole and excessive judicial discretion led to unwarranted disparities in sentencing.

And so in 1984 Congress changed how Federal sentencing operated. We adopted truth in sentencing. We added certainty by abolishing parole. Now Federal sentences given are the time that is served. Disparities due to parole boards were eliminated. Sentencing guidelines were established. They reflected the nature of the criminal offense and the criminal history of the offender. Those guidelines were normally binding on any Federal judge in the country. So no longer would sentences turn on which judge a criminal appeared before.

The guidelines eliminated other disparities as well. Judges could not consider factors that often led to wealthier defendants receiving shorter sentences for similar crimes than less wealthy defendants. Racial bias in sentencing, conscious or unconscious, also was addressed through mandatory guidelines. The legislation was passed by wide bipartisan majorities. Nearly everyone agreed that some judges were too lenient in sentencing and that the excessive discretion they exercised produced various unfair disparities.

Congress, separate from the sentencing guidelines, also increased the number of mandatory minimum sentences. Since then, due in part to tougher Federal criminal penalties, elimination of parole, increased numbers of inmates, better police practices, and other factors, crime rates have dropped significantly.

However, the Supreme Court undermined the excellent sentencing legislation that Congress passed. First, the Court created from whole cloth a novel interpretation of the Sixth Amendment.

Second, the Court in a 2005 case called Booker unnecessarily extended that line of cases to mandatory sentencing guidelines and held them unconstitutional.

Third, rather than then strike down the guidelines, the Court rewrote them. In a particularly egregious example of judicial activism, they overrode congressional intent and made the guidelines advisory. It was only because the guidelines were clearly intended to be mandatory that Congress ever passed them in the first place.

Following Booker, Congress now has only one available tool to make sure that sentences are not too lenient and do not reflect unwarranted disparity. That is mandatory minimum sentences.

Given this background, I do take issue with a number of the Attorney General's statements.

I do not agree with him that prisons today ''warehouse and forget.''

All kinds of programs and incentives exist for prisoners today to improve their behavior when they are released. Sentences can be shortened by completion of these programs. And I don't think that the solution to a cycle that ends in incarceration is simply to incarcerate criminals for less time or to jail fewer criminals.

For the most part, it is not the case that too many Americans go to prisons for too long and for no good law enforcement reason. And the Attorney General just is not right when he says that ''[w]idespread incarceration at the federal, state, and local levels is both ineffective and unsustainable.''

Increased incarceration has led to less crime.

I do see that for the first time in 5 years the Obama administration has finally found one area of Federal spending that it wants to cut: prisons.

But in the same speech, the Attorney General called on more spending on Federal defenders.

I do not agree with that. Federal defenders play an important role and often represent defendants well. But we should be encouraging more private attorneys, at lower cost, to represent defendants against the Government. And we should consider requiring better training of these lawyers before they are allowed to represent defendants.

The Attorney General correctly notes that ''unwarranted disparities are far too common.'' He cited one report that shows that ''black male offenders have received sentences nearly 20 percent longer than those imposed on white males convicted of similar crimes,'' and that this is ''shameful.'' But he overlooks the reason for those disparities. They exist not so much due to mandatory minimum sentences, which existed both before Booker and after. In fact, Congress has reduced mandatory minimum sentences since Booker. Rather, the disparities are due primarily to the Supreme Court's Booker decision that made the sentencing guidelines advisory, rather than to mandatory minimums.

Since that 2005 ruling, the guidelines have been applied in fewer and fewer cases every year. Sentences imposed now turn on which judge the offender appears before. And more than before, the quality of the lawyer and the other factors that produced disparity before the Sentencing Reform Act are now creeping back into sentencing.

The sentencing commission, in that report that the Attorney General referred to, tracked racial disparities in sentencing. It compared sentences of African-American and White males at the time the guidelines were still mandatory compared to today, when they are advisory only. For cases overall, when the guidelines were mandatory, African-American males served 11.5 percent longer sentences than White males. Now that the guidelines are advisory, African-American men serve 19.5 percent longer sentences than white males.

That is a significant difference.

There are various categories of crimes in which the rendering of the sentencing guidelines as advisory has increased disparity. For instance, in firearms case, African-American men received sentences that were 6 percent longer than White men when the guidelines were mandatory. Today, African-American men receive sentences 10 percent longer than Whites for these crimes. For drug trafficking, African-American men received sentences that were 9 percent longer than White men in 2005, but since the guidelines were made advisory, they now receive sentences that are 13 percent longer.

It is true that sentences overall are falling since the guidelines were made advisory. But as the sentencing commission concluded, ''Although sentence length for both Black male and female offenders and White male and female

offenders have decreased over time, White offenders' sentence length has decreased more than Black offenders' sentence length.''

And in considering racial disparities in the criminal justice area, the race of the victims must also be considered. Despite reductions in homicides nationwide in recent years to levels not seen since the 1960s, this is not true for the number of homicides of African-Americans. ''The number of black male murder victims rose more than 10 percent from 2000 to 2010, to 5,942 from 5,307,'' according to the Wall Street Journal.

Two areas that the Attorney General has said are criminal enforcement priorities also exhibit disparities. These are financial crimes and child pornography possession. As I have said many times before, I wish the Department would prosecute even one of the executives of the major financial firms whose criminal conduct contributed to the financial crisis.

These two criminal fields both tend to involve White male defendants. Too often, the sentences imposed are too lenient. In addition, these crimes do not carry mandatory minimum sentences. We should consider imposing mandatory minimum sentences for these offenses, both to reduce racial disparities and to give prosecutors additional tools to combat these serious crimes. Since Booker, there have been press reports of people who have been convicted of financial fraud who have received very lenient sentences, far below the guidelines. That is leading to disparity.

One report showed that there have been so many financial fraudsters in New York who have been sentenced merely to probation that lawyers for newly convicted fraudsters have argued that to avoid disparities, their clients must also receive probation. Other press accounts have shown financial criminals who have persuaded judges that the financial benefits these criminals have provided to needy people should be considered to lighten their sentences. No poor defendant would be able to reduce his sentence based on using a portion of his ill-gotten gains to help others.

Another set of defendants who in the post-Booker world have received very lenient sentences is those who are convicted of child pornography possession. Too many judges are lenient in their sentencing. Too often we are seeing that unless the defendant actually molested a child, a judge doesn't impose a serious punishment. More than other Federal crimes, defendants in financial and child pornography cases tend to be White males. Too many judges have given these criminals only a slap on the wrist. After Booker, the only way Congress can control the abuse of discretion that judges are showing in these cases is through imposition of a mandatory minimum sentence.

The Attorney General announced a new policy of not charging certain defendants with crimes that carry mandatory minimum sentences. That raises concerns. Withholding quantities of drugs from indictments may not have the effect he desires, since the judge will know the quantity in any event when the presentencing report is received. The judge can still take that into account when sentencing. Moreover, a dangerous precedent may be established by not charging the greatest offense that can be proved.

All Federal crimes now are typically prosecuted at the highest level that can result in a conviction, unless a plea agreement is reached. This reduces prosecutorial discretion and disparity in charging and sentencing. I hope that the new policy will not be applied or extended in a way that would increase disparity.

Mandatory minimum sentences are not new. The first Congress enacted mandatory minimum sentences in 1790.

Nor are they as inflexible as they are often characterized. According to the sentencing commission, almost half of all offenders convicted of an offense carrying a mandatory minimum sentence are not given such a sentence.

We hear over and over that mandatory minimum sentences are one size fits all. We hear that low level and first time offenders always receive harsh sentences. Not so. The safety valve provision requires judges not to impose mandatory minimum sentences for first time, low-level, nonviolent drug offenders, who have provided all information to the authorities. Mandatory minimum sentences are not imposed on many other offenders because they provide substantial assistance to the government in prosecuting more serious criminals.

Congress in 2010 also passed legislation reducing mandatory minimum sentences for certain crack cocaine offenses. Contrary to standard rules of statutory construction, that law has been interpreted to apply retroactively to people who committed their crimes before enactment of the law. We need to keep that in mind for any sentencing legislation we might enact.

The combination of mandatory minimum sentences and a reduction for substantial assistance provides investigative leads against bigger fish. It is a benefit of mandatory minimum sentences that is not always appreciated. Were we to meaningfully cut back on mandatory minimums, we would lose the ability to bring prosecutions against a large number of major criminals. We should always consider what crimes should carry mandatory minimum sentences and what the length of those sentences should be. But for the reasons I have outlined, it would be a serious mistake to eliminate mandatory minimum sentences, either wholesale or for a class of drug offenses.

I am also troubled by a document the Attorney General released along with his speech entitled, ''Smart on Crime.''

In that document the Department favors diversion and supervision rather than incarceration for what it terms low-level, non-violent offenders. The Department says it encourage U.S. Attorneys to use ''best practices'' of diversion for non-violent offenders and supervision for more serious offenders. The document says, ''Examples of eligible defendants are those charged with non-violent bank robberies.'' What bank robberies does the Attorney General think are non-violent? If a person hands the teller a note that says, ''I have a gun, hand over the money,'' but he does not actually have a gun, is that a non-violent offense? No, it is not. Robbery always involves violence or the threat of violence. There is no such thing as a non-violent bank robbery. Those who commit that crime should go to jail, not be released back into the community under supervision, as the Department is advocating.

There is a danger that some of what the Attorney General is proposing is unjustified leniency and would harm public safety.

Madam President, I appreciate that the Attorney General has offered ideas on sentencing. I agree with some. Others are misguided, even dangerous. I will work with him where I can. But we cannot have a proper debate on sentencing reform without understanding how we have reached our current situation, why unwarranted disparities exist, and what changes in sentencing would improve rather than harm the situation.

The Judiciary Committee will hold a hearing on mandatory minimum sentences and proposed legislation on Wednesday. As I have stated, there are some common misunderstandings on this subject. I hope that more clarity will emerge as a result of the hearing.

CROSSROADS CHURCH

Mr. PORTMAN. Madam President, today I wish to congratulate Crossroads Church on 50 years of ministry in Pickaway County, OH. The Crossroads Church held its first service in 1963 under the leadership of Rev. Roy Ferguson.

Crossroads Church was created as an extension of Circleville First Church to provide ministry in the growing community. In 1998, as it continued to grow, the church purchased 71 acres just east of the city of Circleville. In October 2001, Crossroads Church opened its doors for the first service at the new spacious location.

Crossroads Church remains grounded in the traditions of the Christian faith. Today, I congratulate all who have been involved in the first 50 years of ministry to Circleville.

ADDITIONAL STATEMENTS

THORNTON, NEW HAMPSHIRE

• Ms. AYOTTE. Madam President, today I wish to honor Thornton, NH—a town in Grafton County that is celebrating the 250th anniversary of its

founding. I am proud to join citizens across the Granite State in recognizing this special occasion.

Thornton is a gateway community to New Hampshire's beautiful White Mountains—welcoming visitors from near and far throughout the year. This picturesque community represents the very best of New Hampshire's proud heritage.

The land that would become Thornton was granted in a charter by Governor Benning Wentworth on July 6, 1763, one of New Hampshire's great statesmen, to a small group of settlers including Doctor Matthew Thornton. Thornton later represented New Hampshire as a representative to the Continental Congress, and signed the Declaration of Independence. The town was named to honor Thornton for his service to New Hampshire.

The town's population has grown to include over 2,400 residents. The patriotism and commitment of the people of Thornton are reflected in part by their record of service in defense of our Nation.

Notable Thornton residents include 19th century abolitionist Moses Cheney, a conductor with the Underground Railroad, and MIT professor and nutritionist Nevin S. Scrimshaw.

Thornton is home to one of the oldest remaining meetinghouses in the State. Erected in 1789, the Old Town House is listed on the New Hampshire State Register of Historic Places and serves as an enduring symbol of New Hampshire's tradition of self-governance.

Thornton is a place that has contributed much to the life and spirit of the Granite State. I am pleased to extend my warm regards to the people of Thornton as they celebrate the town's 250th anniversary.●

TRIBUTE TO RITA NEEDHAM

● Mr. BLUNT. Madam President, as we continue our debate about health care reform, I would like to recognize an organization in Missouri that has been a leader in innovation in driving down the healthcare costs for manufacturers and their employees. The Missouri Association of Manufacturers and their CEO, Rita Needham, have been at the forefront of the debate in my State. She is committed to new strategies to provide affordable health care through consortiums of manufacturers that employ more than 2,100 people.

As an educator, human resource manager and administrator, Rita Needham joined the Southwest Area Missouri Association, SAMA, in 1999 as community affairs director. SAMA reached out to support manufacturers in the Springfield, MO area. Needham was elevated to executive director 2 years later and created a health care consortium which provided affordable health care coverage for manufacturers.

Rita was the driving force in obtaining a two-year waiver from the Missouri Department of Insurance to enable companies of all sizes to join together in a pilot program to purchase group health insurance. Before the consortium was created, the initial 32 companies who joined the SAMA I Consortium had to buy their health insurance individually, but, under the consortium, they were rated as one policy holder therefore achieving significant savings. Six smaller companies who were part of the consortium were able to access affordable health care for the first time. The consortium members were able to achieve long term rate stability, create large group buying power and reduce claim risk in response to their biggest concern—the rising costs of health care.

In 2006, Rita led SAMA's efforts to persuade the Missouri General Assembly to pass House bill 1827, landmark legislation known as the SAMA bill, which allowed manufacturers of all sizes the option of purchasing a group health plan under the consortium.

In 2010, the Southwest Area Manufacturers Association became the Missouri Association of Manufacturers, MAM, with 170 member companies across the State representing 14,500 employees. Today, MAM is a strong voice for manufacturing with free market positions on trade, regulation, tax and energy policy, education, health care and the environment.

Rita is planning to retire this year, but throughout her career she has been a thoughtful, dedicated leader for Missouri manufacturers. I have always relied on her expertise and common sense to better understand how Federal policy impacts health costs for manufacturers.

I wish Rita and her husband Jim a wonderful retirement. There is no doubt that Rita's advocacy and smart leadership have improved the business environment in Missouri.●

LAS VEGAS NATURAL HISTORY MUSEUM

● Mr. HELLER. Madam President, I wish to recognize the Las Vegas Natural History Museum and congratulate it on being awarded national accreditation by the American Alliance of Museums. This accreditation is the highest national recognition of a museum's commitment to public service, professional standards, and excellence in education. This important milestone exemplifies the remarkable progress that the Las Vegas Natural History Museum has made, and attests to the central role the museum plays in educating the local community.

For more than 2 decades, the Las Vegas Natural History Museum has provided Nevadans of all ages and from all walks of life the opportunity to explore the natural treasures of our past. The museum has expanded the small, loaned exhibit with which it began into a premiere, multi-million dollar collection of wildlife and prehistoric exhibits. Today it offers a truly unique educational experience from which countless Nevadans have benefited. Under the leadership of Executive Director Marilyn Gillespie, as well as a dedicated board of directors, the Las Vegas Natural History Museum has completed a demanding process in order to become nationally accredited. The museum and its leadership team should be proud of this important achievement.

Centers of learning such as the Las Vegas Natural History Museum enrich our communities by making the learning process an engaging and exciting endeavor. I ask my colleagues to join me in congratulating this exceptional museum and extend my best wishes for many more successful years to come.●

FAITH LUTHERAN MOCK TRIAL TEAM

● Mr. HELLER. Madam President, I wish to recognize an outstanding achievement by a group of hard-working students at Faith Lutheran Junior/Senior High School in Las Vegas. The Faith Lutheran Mock Trial team has been invited to compete in the Seventh Annual Empire Invitational in New York City, and is the first ever Nevada team to be invited to compete in this mock trial event.

Faith Lutheran's mock trial program is part of the school's justice and advocacy program, which is designed to prepare and equip students for academic and professional paths in public policy, law and advocacy. It is notable achievement to be invited to the Empire Invitational event, which is the only mock trial tournament in the country that hosts schools from Canada, Ireland and the United Kingdom. By competing in this year's tournament, Faith Lutheran's mock trial participants will not only receive invaluable experience applying legal principles, but they will also enhance skills that are critical to their future scholastic and vocational success.

Educational activities such as this mock trial tournament open the door to increased possibilities for young students to make a difference in their communities. Faith Lutheran's mock trial team serves as an admirable example to aspiring students across the Silver State.

This special achievement is the result of many hours of teamwork, effort and preparation. The dedicated students and faculty who are part of Faith Lutheran's mock trial team should be immensely proud of the opportunity to represent their school, and the State of Nevada, at this year's Empire Invitational. I ask my colleagues to join me in commending these exceptional students, and wish them a successful and memorable experience at the tournament.●

TRIBUTE TO BECKY NELSON

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize and congratulate Becky Nelson of Sioux Falls, SD for over 38 years of service with Sanford Health.

In 1971, Ms. Nelson graduated from Presentation College in Aberdeen, SD, and began her career at Dakota Midland Hospital. In 1975, Ms. Nelson joined Sioux Valley Hospital & Health System, which would later become Sanford Health. Starting as a critical care staff nurse, Ms. Nelson's skill and intellect launched her into clinical leadership positions.

Today, Ms. Nelson is Sanford Health's senior vice president & chief operating officer, overseeing all patient care services provided by Sanford Health's northern and southern regions, encompassing parts of South Dakota, North Dakota, and Minnesota.

In addition to her outstanding work at Sanford Health, Ms. Nelson remains an active leader in the community. She has served on the First National Bank board of directors as well as the Boards of the University of Sioux Falls, Sanford Research/USD, Washington Pavilion of Arts and Science, and the Sioux Falls Development Foundation.

Ms. Nelson's devotion to exceptional care will continue to benefit South Dakotans and Midwesterners long after her retirement. She is an exceptional role model who has a positive impact on those who cross her path. For example, her soon-to-be successor, Nate White, whom she is currently mentoring, commented, ''There isn't a day that goes by when there isn't something I grasp onto and say, I have to remember that.' '' Clearly, her excellent example resonates with her peers.

I thank Ms. Nelson for her incalculable contributions to our community and wish her and her husband, Dave, all the best in retirement.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

TRANSMITTING THE AGREEMENT BETWEEN THE UNITED STATES AND THE SLOVAK REPUBLIC ON SOCIAL SECURITY, CONSISTING OF A PRINCIPAL AGREEMENT AND AN ADMINISTRATIVE AGREEMENT—PM 19

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)) (the ''Social Security Act''), I transmit herewith an Agreement on Social Security between the United States of America and the Slovak Republic (the ''United States-Slovak Republic Totalization Agreement''). The Agreement consists of two separate instruments: a principal agreement and an administrative arrangement. The Agreement was signed in Bratislava on December 10, 2012.

The United States-Slovak Republic Totalization Agreement is similar in objective to the social security totalization agreements already in force with most European Union countries, Australia, Canada, Chile, Japan, Norway, and the Republic of Korea. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The United States-Slovak Republic Totalization Agreement contains all provisions mandated by section 233 of the Social Security Act and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4) of the Social Security Act.

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the United States-Slovak Republic Totalization Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and administrative arrangement. Annexed to this report is another report required by section 233(e)(1) of the Social Security Act on the effect of the United States-Slovak Republic Totalization Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the United States-Slovak Republic Totalization Agreement.

BARACK OBAMA.

THE WHITE HOUSE, *September 17, 2013.*

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2009. An act to prohibit the Secretary of the Treasury from enforcing the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010.

H.R. 2775. An act to condition the provision of premium and cost-sharing subsidies under the Patient Protection and Affordable Care Act upon a certification that a program to verify household income and other qualifications for such subsidies is operational, and for other purposes.

S. 1513. A bill to amend the Helium Act to complete the privatization of the Federal helium reserve in a competitive market fashion that ensures stability in the helium markets while protecting the interests of American taxpayers, and for other purposes.

S. 1514. A bill to save coal jobs, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2861. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the activities of the Office of the Medicare Ombudsman; to the Committee on Finance.

EC–2862. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 2013–1056, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–2863. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 2013–1288, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–2864. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 1002 (P.L. 107–243) and the Authorization for the Use of Force Against Iraq Resolution (P.L. 102–1) for the April 21, 2013–June 19, 2013 reporting period; to the Committee on Foreign Relations.

EC–2865. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to amendment to part 126 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC–2866. A communication from the Acting Assistant Secretary of State, Legislative Affairs, transmitting, pursuant to law, a report relative to the interdiction of aircraft engaged in illicit drug trafficking; to the Committee on Foreign Relations.

EC–2867. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2013–0142–2013–0149); to the Committee on Foreign Relations.

EC–2868. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2013–0136–2013–0141); to the Committee on Foreign Relations.

EC–2869. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended,

the report of the texts and background statements of international agreements, other than treaties (List 2013–0150–2013–0155); to the Committee on Foreign Relations.

EC–2870. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the period April 1, 2013 through May 31, 2013; to the Committee on Foreign Relations.

EC–2871. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(d) of the Arms Export Control Act (DDTC 13–118); to the Committee on Foreign Relations.

EC–2872. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12–113); to the Committee on Foreign Relations.

EC–2873. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed transfer of major defense equipment pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. RSAT–13–3520); to the Committee on Foreign Relations.

EC–2874. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed transfer of major defense equipment pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. RSAT–12–3037); to the Committee on Foreign Relations.

EC–2875. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to sections 36(c) and 36(d) of the Arms Export Control Act (DDTC 13–067); to the Committee on Foreign Relations.

EC–2876. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–096); to the Committee on Foreign Relations.

EC–2877. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–117); to the Committee on Foreign Relations.

EC–2878. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–092); to the Committee on Foreign Relations.

EC–2879. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–111); to the Committee on Foreign Relations.

EC–2880. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–107); to the Committee on Foreign Relations.

EC–2881. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to sections 36(c) and 36(d) of the Arms Export Control Act (DDTC 13–120); to the Committee on Foreign Relations.

EC–2882. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to sections 36(c) and 36(d) of the Arms Export Control Act (DDTC 13–115); to the Committee on Foreign Relations.

EC–2883. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, the report of a rule entitled ''Visas: Documentation of Nonimmigrants—Visa Classification; T Visa Class'' (RIN1400–AD42) received during adjournment of the Senate in the Office of the President of the Senate on September 3, 2013; to the Committee on Foreign Relations.

EC–2884. A communication from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, a report relative to international financial institutions; to the Committee on Foreign Relations.

EC–2885. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Patient Protection and Affordable Care Act; Program Integrity: Exchange, SHOP, and Eligibility Appeals'' (RIN0938–AR82) received during adjournment of the Senate in the Office of the President of the Senate on August 29, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2886. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling; Gluten-Free Labeling of Foods'' (Docket No. FDA–2005–N–0404) received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2887. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Listing of Color Additives Exempt From Certification; Spirulina Extract'' (Docket No. FDA–2011–C–0878) received during adjournment of the Senate in the Office of the President of the Senate on August 22, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2888. A communication from the General Counsel, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Part 4022) received during adjournment in the Office of the President of the Senate on August 8, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2889. A communication from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Student Assistance General Provisions'' (RIN1880–AA87) received during adjournment of the Senate in the Office of the President of the Senate on August 23, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2890. A communication from the Acting Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Federal Pell Grant Program'' (RIN1840–AD11) received during adjournment of the Senate in the Office of the President of the Senate on August 23, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2891. A communication from the Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Priority—National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers'' (CFDA No. 84.133B–11) received during adjournment of the Senate in the Office of the President of the Senate on August 15, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2892. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Priorities, Requirements, Definitions, and Selection Criteria; Race to the Top—Early Learning Challenge'' (RIN1810–AB18) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2893. A communication from the Acting Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Wage Methodology for the Temporary Non-Agricultural Employment H–2B Program; Delay of Effective Date'' (RIN1205–AB61) received in the Office of the President of the Senate on April 22, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2894. A communication from the Director of the Implementation and Support Unit, Office of the Deputy Secretary, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Priorities, Requirements, Definitions, and Selection Criteria; Race to the Top—District'' (RIN1810–AB17) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2895. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report entitled ''Report to Congress on the Refugee Resettlement Program''; to the Committee on Health, Education, Labor, and Pensions.

EC–2896. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Board's 2013 Annual Report for fiscal year 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–2897. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the premarket approval of devices that may be used in pediatric patients; to the Committee on Health, Education, Labor, and Pensions.

EC–2898. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Implementation of Section 3507 of the Patient Protection and Affordable Care Act of 2010''; to the Committee on Health, Education, Labor, and Pensions.

EC–2899. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Performance Report of the Food and Drug Administration's Office of Combination Products for fiscal year 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–2900. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Regulations: Education Department General Administrative Regulations'' (RIN1890–AA14) received during adjournment of the Senate in the Office of the President of the Senate on August 29, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2901. A communication from the Inspector General, Railroad Retirement Board,

transmitting, pursuant to law, a report relative to the Office of Inspector General's budget request for the fiscal year 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–2902. A joint communication from the Secretary of Agriculture and the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report on Thefts, Losses, or Releases of Select Agents or Toxins''; to the Committee on Health, Education, Labor, and Pensions.

EC–2903. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on the Application of Electronic Health Records (EHR) Payment Incentives for Providers Not Receiving Other Incentive Payments''; to the Committee on Health, Education, Labor, and Pensions.

EC–2904. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Delays in Approvals of Applications Related to Citizen Petitions and Petitions for Stay of Agency Action for Fiscal Year 2012''; to the Committee on Health, Education, Labor, and Pensions.

EC–2905. A joint communication from the Executive Director and the Chair of the Board of Governors, Patient-Centered Outcomes Research Institute, transmitting, pursuant to law, the Institute's 2012 Annual Report; to the Committee on Health, Education, Labor, and Pensions.

EC–2906. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Regulations—Student Assistance General Provisions Amendment of the Electronic Filing Procedures for Administrative Adjudication Proceedings Involving Title IV of the Higher Education Act'' (RIN1880–AA87) received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2907. A communication from the President of the United States, transmitting, pursuant to law, a report relative to an alternative plan for pay increases for civilian Federal employees covered by the General Schedule and certain other pay systems for 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–2908. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Premerger Notification; Reporting and Waiting Period Requirements'' (RIN3084–AA91) received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2013; to the Committee on the Judiciary.

EC–2909. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to intercepted wire, oral, or electronic communications; to the Committee on the Judiciary.

EC–2910. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Office of Justice Programs Annual Report to Congress for Fiscal Year 2012''; to the Committee on the Judiciary.

EC–2911. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Department of Justice's Office of Justice Programs Annual Report to Congress for fiscal year 2012; to the Committee on the Judiciary.

EC–2912. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to applications for delayed-notice search warrants and extensions during fiscal year 2012; to the Committee on the Judiciary.

EC–2913. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the second quarter of fiscal year 2013 quarterly report of the Department of Justice's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

EC–2914. A communication from the Staff Director, U.S. Sentencing Commission, transmitting, pursuant to law, a report relative to the compliance of federal district courts with documentation submission requirements; to the Committee on the Judiciary.

EC–2915. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled ''Report of the Proceedings of the Judicial Conference of the United States'' for the March 2013 session; to the Committee on the Judiciary.

EC–2916. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the first quarter of fiscal year 2013 quarterly report of the Department of Justice's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

EC–2917. A communication from the Secretary of State, State of Florida, transmitting, a Senate Memorial, adopted by the Legislature of the State of Florida, relative to the creation of the Haitian Family Reunification Parole Program; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SANDERS, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 131. A bill to amend title 38, United States Code, to improve the reproductive assistance provided by the Department of Veterans Affairs to severely wounded, ill, or injured veterans and their spouses, and for other purposes (Rept. No. 113–106).

By Mr. SANDERS, from the Committee on Veterans' Affairs, without amendment:

S. 851. A bill to amend title 38, United States Code, to extend to all veterans with a serious service-connected injury eligibility to participate in the family caregiver services program (Rept. No. 113–107).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1072. A bill to ensure that the Federal Aviation Administration advances the safety of small airplanes and the continued development of the general aviation industry, and for other purposes (Rept. No. 113–108).

By Mr. SCHUMER, from the Committee on Rules and Administration, without amendment:

S. Res. 228. An original resolution authorizing the reporting of committee funding resolutions for the period October 1, 2013, through February 28, 2015.

S. Res. 229. An original resolution authorizing expenditures by the Committee on Rules and Administration.

By Ms. STABENOW, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 230. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WYDEN, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 231. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. Res. 232. A resolution authorizing expenditures by the Committee on Armed Services.

By Mr. SANDERS, from the Committee on Veterans' Affairs, without amendment:

S. Res. 233. A resolution authorizing expendures by the Committee on Veterans' Affairs.

By Mr. CARPER, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. Res. 234. A resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU, from the Committee on Small Business and Entrepreneurship, without amendment:

S. Res. 235. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship for October 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. Res. 236. An original resolution authorizing expenditures by the Committee on Environment and Public Works.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Air Force nomination of Lt. Gen. James M. Kowalski, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Bennie Earl Abbott and ending with Laura L. Zuress, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2013.

Air Force nominations beginning with David W. Abba and ending with Matthew E. Zuber, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2013.

Air Force nominations beginning with David M. Abel and ending with Michael M. Zwalve, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2013.

Air Force nominations beginning with Veronique N. Anderson and ending with Aaron Eugene Woodward, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2013.

Air Force nominations beginning with Robert F. Booth and ending with Charles E. Wiedie, Jr., which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2013.

Air Force nomination of Darryl Markowski, to be Colonel.

Army nomination of Eddie V. Latham, to be Major.

Army nominations beginning with Brian W. Adams and ending with D011820, which nominations were received by the Senate and appeared in the Congressional Record on September 11, 2013.

Army nominations beginning with Marcus P. Acosta and ending with G001362, which nominations were received by the Senate and appeared in the Congressional Record on September 11, 2013.

Army nominations beginning with Joel O. Alexander and ending with D011416, which nominations were received by the Senate and appeared in the Congressional Record on September 11, 2013.

Army nominations beginning with Michael N. Adame and ending with Thomas J. Zelko II, which nominations were received by the Senate and appeared in the Congressional Record on September 11, 2013.

Army nominations beginning with Christopher J. Egan and ending with Bruce R. Walton, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 11, 2013.

Army nominations beginning with Andrew D. Kastello and ending with Mark A. Seldes, which nominations were received by the Senate and appeared in the Congressional Record on September 11, 2013.

Army nomination of Brian E. Murphy, to be Major.

Army nomination of Trent E. Loiseau, to be Lieutenant Colonel.

Army nomination of Yorlondo S. M. Wortham, to be Major.

Navy nominations beginning with Christopher M. Allen and ending with Stacey E. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2013.

Navy nominations beginning with Wajahat Ali and ending with Jacob E. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2013.

Navy nominations beginning with Hannah L. Bealon and ending with Alicia R. Wright, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2013.

Navy nominations beginning with Brian C. Baker and ending with Kan Yang, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2013.

Navy nominations beginning with Kristie M. Colpo and ending with Matthew N. Watts, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2013.

Navy nominations beginning with Onege Bateagborsangaya and ending with Michael G. Tomsik, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2013.

Navy nominations beginning with Anthony J. Falvo IV and ending with William B. Tisdale, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2013.

Navy nominations beginning with Trenton J. Arnold and ending with Robert A. Wainscott, Jr., which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2013.

Navy nominations beginning with Brian C. Fredrick and ending with Ernesto R. Villalba, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2013.

Navy nominations beginning with Matthew R. Argenziano and ending with Aaron A. Zimmer, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2013.

Navy nominations beginning with Shane L. Beavers and ending with John J. Williams, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2013.

Navy nominations beginning with Charles B. Abbott and ending with George S. Zintak, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2013.

Navy nomination of Josh A. Cassada, to be Lieutenant Commander.

Navy nomination of Ronaldo S. Memije, to be Lieutenant Commander.

Navy nominations beginning with Kevin L. Albert and ending with Shawn C. Willis, which nominations were received by the Senate and appeared in the Congressional Record on September 11, 2013.

Navy nominations beginning with Christopher B. Allen and ending with Joseph M. Zukowsky, which nominations were received by the Senate and appeared in the Congressional Record on September 11, 2013.

Navy nominations beginning with Paul A. Armstrong and ending with James P. Williford, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 11, 2013.

Navy nominations beginning with Jonathan D. Albano and ending with James H. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 11, 2013.

Navy nominations beginning with Michele Y. Allen and ending with Brenda M. Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 11, 2013.

Navy nominations beginning with Candice C. Albright and ending with Katherine D. Worstell, which nominations were received by the Senate and appeared in the Congressional Record on September 11, 2013.

Navy nominations beginning with Alexander Aldana and ending with Daniel L. Zahumensky, which nominations were received by the Senate and appeared in the Congressional Record on September 11, 2013.

Navy nominations beginning with Ricardo M. Abakah and ending with Christopher L. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 11, 2013.

Navy nominations beginning with Nehkonti Adams and ending with Nathan S. Zundel, which nominations were received by the Senate and appeared in the Congressional Record on September 11, 2013.

Navy nominations beginning with Kimberly S. Bailey and ending with Eric E. Wong, which nominations were received by the Senate and appeared in the Congressional Record on September 11, 2013.

By Mr. SCHUMER for the Committee on Rules and Administration.

*Ann Miller Ravel, of California, to be a Member of the Federal Election Commission for a term expiring April 30, 2017.

*Lee E. Goodman, of Virginia, to be a Member of the Federal Election Commission for a term expiring April 30, 2015.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE (for himself and Ms. KLOBUCHAR):

S. 1505. A bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from definition under that Act; to the Committee on Environment and Public Works.

By Mr. WICKER (for himself and Ms. LANDRIEU):

S. 1506. A bill to provide tax relief for persons affected by the discharge of oil in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon; to the Committee on Finance.

By Mr. MORAN (for himself and Ms. HEITKAMP):

S. 1507. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of general welfare benefits provided by Indian tribes; to the Committee on Finance.

By Mr. CARDIN (for himself, Mrs. BOXER, and Mr. REID):

S. 1508. A bill to authorize the Administrator of the Environmental Protection Agency to establish a program of awarding grants to owners or operators of water systems to increase the resiliency or adaptability of the systems to any ongoing or forecasted changes to the hydrologic conditions of a region of the United States; to the Committee on Environment and Public Works.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 1509. A bill to establish a Maritime Goods Movement User Fee and provide grants for international maritime cargo improvements and for other purposes; to the Committee on Finance.

By Mr. COBURN (for himself, Mr. MANCHIN, Mr. GRASSLEY, Mr. JOHNSON of Wisconsin, Mr. PAUL, Ms. AYOTTE, Mr. CORNYN, Mr. CHAMBLISS, Mr. HELLER, Mrs. MCCASKILL, and Mr. WYDEN):

S. 1510. A bill to provide for auditable financial statements for the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. ROCKEFELLER (for himself and Mr. CASEY):

S. 1511. A bill to amend part E of title IV of the Social Security Act to remove barriers to the adoption of children in foster care through reauthorization and improvement of the adoption incentives program, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 1512. A bill to designate the facility of the United States Postal Service located at 1335 Jefferson Road in Rochester, New York, as the ''Specialist Theodore Matthew Glende Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN (for himself and Ms. MURKOWSKI):

S. 1513. A bill to amend the Helium Act to complete the privatization of the Federal helium reserve in a competitive market fashion that ensures stability in the helium markets while protecting the interests of American taxpayers, and for other purposes; read the first time.

By Mr. MCCONNELL:

S. 1514. A bill to save coal jobs, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ:

S. Res. 227. A resolution to commemorate the 70th anniversary of the heroic rescue of Danish Jews during the Second World War by the Danish people; to the Committee on Foreign Relations.

By Mr. SCHUMER:

S. Res. 228. An original resolution authorizing the reporting of committee funding resolutions for the period October 1, 2013, through February 28, 2015; from the Committee on Rules and Administration; placed on the calendar.

By Mr. SCHUMER:

S. Res. 229. An original resolution authorizing expenditures by the Committee on Rules and Administration; from the Committee on Rules and Administration; placed on the calendar.

By Ms. STABENOW:

S. Res. 230. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; from the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. WYDEN:

S. Res. 231. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. LEVIN:

S. Res. 232. A resolution authorizing expenditures by the Committee on Armed Services; from the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. SANDERS:

S. Res. 233. A resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

By Mr. CARPER:

S. Res. 234. A resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs; from the Committee on Homeland Security and Governmental Affairs; to the Committee on Rules and Administration.

By Ms. LANDRIEU:

S. Res. 235. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship for October 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015; from the Committee on Small Business and Entrepreneurship; to the Committee on Rules and Administration.

By Mrs. BOXER:

S. Res. 236. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 51

At the request of Mrs. BOXER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 51, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 84

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 84, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 120

At the request of Mrs. BOXER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 120, a bill to expand the number of scholarships available to Pakistani women under the Merit and Needs-Based Scholarship Program.

S. 195

At the request of Mr. FRANKEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 195, a bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs.

S. 254

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 254, a bill to amend title III of the Public Health Service Act to authorize and support the creation of cardiomyopathy education, awareness, and risk assessment materials and resources by the Secretary of Health and Human Services through the Centers for Disease Control and Prevention and the dissemination of such materials and resources by State educational agencies to identify more at-risk families.

S. 274

At the request of Mrs. GILLIBRAND, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 274, a bill to strengthen nutrition education for elementary school and secondary school students to promote healthy eating choices through developmentally appropriate lessons and activities integrated into the school day.

S. 326

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 326, a bill to reauthorize 21st century community learning centers, and for other purposes.

S. 357

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 357, a bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

S. 358

At the request of Mr. FRANKEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 358, a bill to establish a Science, Technology, Engineering, and Math (STEM) Master Teacher Corps program.

S. 381

At the request of Mr. BROWN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 381, a bill to award a Congressional Gold Medal to the World War II members of the ''Doolittle Tokyo Raiders'', for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

S. 392

At the request of Mr. UDALL of New Mexico, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 392, a bill to support and encourage the health and well-being of elementary school and secondary school students by enhancing school physical education and health education.

S. 403

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 403, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 409

At the request of Mr. BURR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 409, a bill to add Vietnam Veterans Day as a patriotic and national observance.

S. 423

At the request of Mr. MENENDEZ, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 423, a bill to amend title V of the Social Security Act to extend funding for family-to-family health information centers to help families of children with disabilities or special health care needs make informed choices about health care for their children.

S. 429

At the request of Mr. NELSON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 429, a bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 452

At the request of Mr. FRANKEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 452, a bill to amend title XVIII of the Social Security Act to reduce the incidence of diabetes among Medicare beneficiaries.

S. 456

At the request of Mrs. MURRAY, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 456, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in prekindergarten through higher education.

S. 524

At the request of Mr. BENNET, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 524, a bill to amend the

National Trails System Act to provide for the study of the Pike National Historic Trail.

S. 541

At the request of Ms. LANDRIEU, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 541, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 596

At the request of Mr. THUNE, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 596, a bill to establish pilot projects under the Medicare program to provide incentives for home health agencies to furnish remote patient monitoring services that reduce expenditures under such program.

S. 603

At the request of Mr. BARRASSO, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 603, a bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act.

S. 619

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 619, a bill to amend title 18, United States Code, to prevent unjust and irrational criminal punishments.

S. 648

At the request of Ms. KLOBUCHAR, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 648, a bill to amend the Elementary and Secondary Education Act of 1965 to support teacher and school professional training on awareness of student mental health conditions.

S. 666

At the request of Mr. BLUMENTHAL, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 666, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 669

At the request of Mr. PRYOR, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 669, a bill to make permanent the Internal Revenue Service Free File program.

S. 731

At the request of Mr. MANCHIN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 731, a bill to require the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency to conduct an empirical impact study on proposed rules relating to the International Basel III agreement on general risk-based capital requirements, as they apply to community banks.

S. 749

At the request of Mr. CASEY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 749, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 769

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 769, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 907

At the request of Mrs. SHAHEEN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 907, a bill to provide grants to better understand and reduce gestational diabetes, and for other purposes.

S. 915

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 915, a bill to amend the Higher Education Act of 1965 to update reporting requirements for institutions of higher education and provide for more accurate and complete data on student retention, graduation, and earnings outcomes at all levels of postsecondary enrollment.

S. 1023

At the request of Mr. CORKER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1023, a bill to direct the Secretary of Commerce, in coordination with the heads of other relevant Federal departments and agencies, to conduct an interagency review of and report on ways to increase the competitiveness of the United States in attracting foreign investment.

S. 1089

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1089, a bill to provide for a prescription drug take-back program for members of the Armed Forces and veterans, and for other purposes.

At the request of Mr. BLUMENTHAL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1089, supra.

S. 1158

At the request of Mr. WARNER, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1242

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1242, a bill to amend the Fair Housing Act, and for other purposes.

S. 1296

At the request of Mr. NELSON, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1296, a bill to amend the Wounded Warrior Act to establish a specific timeline for the Secretary of Defense and the Secretary of Veterans Affairs to achieve interoperable electronic health records, and for other purposes.

S. 1302

At the request of Mr. HARKIN, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1302, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

S. 1310

At the request of Mr. PORTMAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1310, a bill to require Senate confirmation of Inspector General of the Bureau of Consumer Financial Protection, and for other purposes.

S. 1323

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1323, a bill to address the continued threat posed by dangerous synthetic drugs by amending the Controlled Substances Act relating to controlled substance analogues.

S. 1324

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 1324, a bill to prohibit any regulations promulgated pursuant to a presidential memorandum relating to power sector carbon pollution standards from taking effect.

S. 1332

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 1442

At the request of Ms. CANTWELL, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1442, a bill to amend the Internal Revenue Code of 1986 to make permanent the minimum low-income housing tax credit rate for unsubsidized buildings and to provide a minimum 4 percent credit rate for existing buildings.

S. 1455

At the request of Mr. COBURN, the names of the Senator from Ohio (Mr. PORTMAN), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Utah (Mr. HATCH) were added as

cosponsors of S. 1455, a bill to condition the provision of premium and cost-sharing subsidies under the Patient Protection and Affordable Care Act upon a certification that a program to verify household income is operational.

S. 1456

At the request of Ms. AYOTTE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1456, a bill to award the Congressional Gold Medal to Shimon Peres.

S. 1462

At the request of Mr. THUNE, the names of the Senator from Nebraska (Mrs. FISCHER), the Senator from Indiana (Mr. COATS) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 1462, a bill to extend the positive train control system implementation deadline, and for other purposes.

S. 1487

At the request of Mr. THUNE, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1487, a bill to limit the availability of tax credits and reductions in cost-sharing under the Patient Protection and Affordable Care Act to individuals who receive health insurance coverage pursuant to the provisions of a Taft-Hartley plan.

S. 1488

At the request of Mr. COATS, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Utah (Mr. HATCH), the Senator from Wyoming (Mr. ENZI), the Senator from Louisiana (Mr. VITTER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Illinois (Mr. KIRK) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1488, a bill to delay the application of the individual health insurance mandate, to delay the application of the employer health insurance mandate, and for other purposes.

S. 1497

At the request of Mr. VITTER, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 1497, a bill to amend the Patient Protection and Affordable Care Act to apply the provisions of the Act to certain Congressional staff and members of the executive branch.

S. 1500

At the request of Mr. CORNYN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1500, a bill to declare the November 5, 2009, attack at Fort Hood, Texas, a terrorist attack, and to ensure that the victims of the attack and their families receive the same honors and benefits as those Americans who have been killed or wounded in a combat zone overseas and their families.

S. 1503

At the request of Mr. DURBIN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from New York (Mrs. GILLIBRAND), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1503, a bill to amend the Public Health Service Act to increase the preference given, in awarding certain asthma-related grants, to certain States (those allowing trained school personnel to administer epinephrine and meeting other related requirements).

S. CON. RES. 6

At the request of Mr. BARRASSO, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 60

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. Res. 60, a resolution supporting women's reproductive health.

S. RES. 165

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. Res. 165, a resolution calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko in light of the recent European Court of Human Rights ruling.

AMENDMENT NO. 1853

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 1853 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1856

At the request of Ms. KLOBUCHAR, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 1856 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1859

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 1859 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1860

At the request of Mrs. GILLIBRAND, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of amendment No. 1860 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1861

At the request of Mrs. FISCHER, her name was added as a cosponsor of amendment No. 1861 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1865

At the request of Mr. TOOMEY, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 1865 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1866

At the request of Mr. VITTER, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 1866 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1871

At the request of Mr. MCCONNELL, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Alabama (Mr. SESSIONS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 1871 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1881

At the request of Mr. PRYOR, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 1881 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1882

At the request of Mrs. FISCHER, her name was added as a cosponsor of amendment No. 1882 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1883

At the request of Mr. INHOFE, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Maine (Mr. KING) were added as cosponsors of amendment No. 1883 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1886

At the request of Ms. LANDRIEU, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 1886 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1901

At the request of Mr. BLUNT, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of amendment No. 1901 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1904

At the request of Mr. UDALL of New Mexico, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 1904 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1908

At the request of Mr. HOEVEN, the names of the Senator from Wyoming

(Mr. ENZI), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Indiana (Mr. DONNELLY) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of amendment No. 1908 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

At the request of Ms. LANDRIEU, the names of the Senator from Montana (Mr. TESTER) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of amendment No. 1908 intended to be proposed to S. 1392, supra.

AMENDMENT NO. 1912

At the request of Mr. UDALL of Colorado, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of amendment No. 1912 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1916

At the request of Mr. HOEVEN, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of amendment No. 1916 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Mrs. BOXER, and Mr. REID):

S. 1508. A bill to authorize the Administrator of the Environmental Protection Agency to establish a program of awarding grants to owners or operators of water systems to increase the resiliency or adaptability of the systems to any ongoing or forecasted changes to the hydrologic conditions of a region of the United States; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, our existing water infrastructure is crumbling. The longer we ignore the problem, the more it costs us. The truth is that we are in a crisis that can be averted. There is no need to lose revenue from disrupted business and flooded streets. Our water infrastructure may be buried and out of sight and out of mind; but today we must elevate these systems to the priority level they deserve.

Each year within my home State of Maryland I witness stark reminders of what cities across the Nation are facing. In July of this year, Prince George's County, MD, experienced a breakdown of its most essential public infrastructure when a water main serving 100,000 people began to fail. Mandatory water restrictions were instituted, limiting access to water for homes and businesses during an intense heat wave that saw the heat index repeatedly reach the triple digits. At the National Harbor, one hotel evacuated 3,000 guests and was forced to cancel upcoming reservations. Included in the affected area is Joint Base Andrews, which publicized plans to shut down a long list of services, including appointments at its medical center.

There are incidents like this happening all across America. The reports are startling. They confirm what every water utility professional knows: we need massive reinvestment in our water infrastructure now and over the coming decades. The Nation's drinking water infrastructure—especially the underground pipes that deliver safe drinking water to America's homes and businesses—is aging. Like many of the roads, bridges, and other public assets on which the country relies, most of our buried drinking water infrastructure was built 50 or more years ago, in the post-World War II era of rapid demographic change and economic growth. Some of our systems are even older; in Baltimore, where I live, many of the pipes were installed in the 1800s. We need investment to deal with changing population needs and changing hydrological conditions. We have no other choice but to elevate it to a public safety priority and to take action now.

The Water Infrastructure Resiliency and Sustainability Act aims to help local communities meet the challenges of upgrading water infrastructure systems to meet the hydrological changes we are seeing today. The bill directs the EPA to establish a Water Infrastructure Resiliency and Sustainability program. Grants will be awarded to eligible water systems to make the necessary upgrades. Communities across the country will be able to compete for Federal matching funds, which in turn will help finance projects to help communities overcome these threats.

Improving water conservation, adjustments to current infrastructure systems, and funding programs to stabilize communities' existing water supply are all projects WIRS grants will fund. WIRS will never grant more than 50 percent of any project's cost, ensuring cooperation between local communities and the Federal government. The EPA will try to award funds that use new and innovative ideas as often as possible.

It's estimated that by 2020, the forecasted deficit for sustaining water delivery and wastewater treatment infrastructure, will trigger a $206 billion increase in costs for businesses. In a worst case scenario, a lack of water infrastructure investment will cause the United States to lose nearly 700,000 jobs by 2020.

A healthy water infrastructure system is as important to America's economy as paved roads and sturdy bridges. Water and wastewater investment has been shown to spur economic growth. The U.S. Conference of Mayors has found that for every dollar invested in water infrastructure, the Gross Domestic Product is increased to more than $6. The Department of Commerce has found that that same dollar yields close to $3 worth of economic output in other industries. Every job created in local water and sewer industries creates close to four jobs elsewhere in the national economy.

We know that a reactive mode causes us to lose billions in revenue in the short-term. Let us instead take a proactive approach, making strategic investments in innovative projects designed to meet the current and future needs of our water systems. That is the purpose of the Water Infrastructure Resiliency and Sustainability Act.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 1509. A bill to establish a Maritime Goods Movement User Fee and provide grants for international maritime cargo improvements and for other purposes; to the Committee on Finance.

Mrs. MURRAY. Mr. President, I rise to discuss legislation that Senator CANTWELL and I are introducing today to strengthen our maritime economy and protect American jobs.

Over the past decade, we have seen increasing competition for the market share of U.S.-bound maritime goods from ports beyond our border to the north and to the south. In fact, among the 25 largest North American ports, the fastest growing in 2012 were the Port of Prince Rupert in Canada and the Port of Lazaro Cardenas in Mexico. Instead of U.S.-bound cargo creating economic growth here at home by entering at U.S. ports, we are witnessing it being diverted through Canadian and Mexican ports. This loss of cargo shipments leads to decreased activity and capacity at American ports. In our home State alone, more than 200,000 jobs are tied to the activities at the Ports of Seattle and Tacoma. With nearly 27 percent of international container cargo potentially at risk of moving to Canada from four West Coast ports, this trend could result in significant job losses.

One of the main reasons for cargo diversion is the Harbor Maintenance Tax, HMT. The HMT is a levy on imports designed to fund the operation and maintenance of America's large and small ports, which drives job creation and strengthens America's trade economy. Unfortunately, shippers have been able to avoid the Harbor Maintenance Tax by shipping goods through ports in Canada and Mexico and then transporting those goods into the United States via truck and rail. This growing cargo diversion reduces the funds available to keep our ports in operating condition.

The loss of revenue from cargo diversion is only part of the problem. Equally concerning is the fact that only half of the tax revenue collected is being spent, even though ports across the country are in desperate need of additional maintenance funding. As of 2011,

the balance of the Harbor Maintenance Trust Fund, HMTF, which is funded by the HMT, had a surplus of more than $6.4 billion, and it continues to grow. Furthermore, of the funds allocated through the HMTF, the balance is rarely spent on operations and maintenance at West Coast ports, where a significant amount of the tax revenue is generated. Our two largest ports in Washington—Seattle and Tacoma—generate, on average, close to seven percent of the funding for the HMTF, but each received just over a penny for every dollar collected from shippers who pay the HMT in Seattle and Tacoma. We believe that we must work to address the issue of cargo diversion as well as ensure that the funds collected are allocated fully and more equitably to meet our nationwide harbor and waterway needs.

To remain competitive in an international marketplace, we need a long-term plan to grow and support infrastructure development, and reforming the Harbor Maintenance Tax is a commonsense place to start. That is why we are proud to introduce the Maritime Goods Movement Act for the 21st Century. The legislation addresses threats to America's maritime economy by repealing the Harbor Maintenance Tax and replacing it with the Maritime Goods Movement User Fee. The proceeds of which would be fully available to Congress to provide for port operation and maintenance. This would nearly double the amount of funds available for American ports, which will help our economy thrive.

The bill ensures that shippers cannot avoid the Maritime Goods Movement User Fee by using ports in Canada and Mexico.

The legislation sets aside a portion of the user fee for critical low-use ports that are at a competitive disadvantage for Federal funding compared to large ports.

Lastly, the bill creates a competitive grant program using a percentage of the proceeds of the user fee to help make improvements to the intermodal transportation system of the United States so that goods can more efficiently reach their intended destinations.

The HMT simply is not being collected or spent in a way that ensures American ports can continue to compete on a level playing field. Our legislation works to address these inequalities and enhance our economic competitiveness abroad while supporting good jobs here in the United States.

By Mr. COBURN (for himself, Mr. MANCHIN, Mr. GRASSLEY, Mr. JOHNSON of Wisconsin, Mr. PAUL, Ms. AYOTTE, Mr. CORNYN, Mr. CHAMBLISS, Mr. HELLER, Mrs. MCCASKILL, and Mr. WYDEN):

S. 1510. A bill to provide for auditable financial statements for the Department of Defense, and for other purposes; to the Committee on Armed Services.

Mr. COBURN. Mr. President, this bill, the Audit the Pentagon Act of 2013, sharpens the teeth of the appropriations and accountability clause in the Constitution, article I, section 9, clause 7, which says:

> No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

The intent of this clause is simple: Congress cannot possibly know that the executive branch is obeying the first part of the appropriations clause—spending—of the Constitution without confidence in the second—accountability. The decades-long failure by the Pentagon to comply with existing Federal financial management laws is against the very spirit of the Constitution—our Founding Fathers demanded that those spending taxpayer dollars are accountable to taxpayers.

The Pentagon's financial management problems are intimately related to the problems of waste at the Pentagon and the budget crisis that has created sequestration. Currently, neither Pentagon leaders, nor Congressional members can consistently and reliably identify what our defense programs cost, will cost in the future, or even what they really cost in the past. When the Pentagon doesn't know itself and can't tell Congress how it is spending money, good programs face cuts along with wasteful programs, which is the situation in which we find ourselves today under sequestration. Unreliable financial management information makes it impossible to link the consequences of past decisions to the defense budget or to measure whether the activities of the Defense Department are meeting the military requirements set for it. Passing a financial audit is a critical step that will protect vital priorities and help the Pentagon comply with current law and our Constitution.

The problem is clear: if the Pentagon doesn't know how it spends its money, Congress doesn't really know how DOD is spending its money. This incomprehensible condition has been documented in hundreds of reports over three decades from both the Government Accountability Office, GAO, and the Department's own inspector general (DOD IG).

Our current Secretary of Defense Chuck Hagel knows that this is a problem. In testimony to the Senate Armed Services Committee he said that the Pentagon needs ''auditable statements, both to improve the quality of our financial information and to reassure the public, and the Congress, that we are good stewards of public funds.'' Secretary Hagel agrees that the Pentagon must audit the Pentagon and says, ''Our next goal is audit-ready budget statements by the end of 2014 . . . I strongly support this initiative and will do everything I can to fulfill this commitment.''

For far too long, Congress has abdicated its constitutional role and its duty to the taxpayers by choosing not to hold DOD accountable for the deadlines it sets for itself, and the result has been continued missed deadlines and wasteful, non-value added spending. Past efforts to make the Pentagon comply with the law by passing additional laws with no teeth has not worked—the Pentagon simply ignores the laws because it suffers no consequences. The result is that unlike every other major Federal department, the Pentagon continues to fail at their requirement and responsibility to report to Congress and the American people that it can show where the hundreds of billions of dollars of taxpayer money goes. I hope my fellow Senators will join me in supporting this bill for auditable financial statements.

By Mr. ROCKEFELLER (for himself and Mr. CASEY):

S. 1511. A bill to amend part E of title IV of the Social Security Act to remove barriers to the adoption of children in foster care through reauthorization and improvement of the adoption incentives program, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, throughout my career in the Senate, I have been proud to fight tirelessly for policies that will help vulnerable children in our foster care system find the permanent homes they need and deserve. I have been very proud of the Finance Committee's bipartisan work over the years to encourage adoption and enhance child welfare services for our most vulnerable children. That work would not have been possible without the commitment of Chairman BAUCUS, as well as my other colleagues that I have been so proud to work with over the years. Our goal has always been to improve our Federal laws related to adoption and foster care, so that every child has an opportunity to have a loving, safe home and a successful future.

To build on our history of encouraging safe and stable families, Senator CASEY and I are introducing the Removing Barriers to Adoption and Supporting Families Act of 2013. This legislation outlines our vision for a path to increase the number of successful adoptions from foster care in our country. Doing so, we believe, can improve the lives of the hundreds of thousands of children in our foster care system.

This legislation encourages safe and stable families, and takes a number of important steps forward to ensure that permanency is paramount for children in our foster care system.

First, the legislation puts incentives in place to help encourage interstate adoptions, creating a shared incentive for states that work together to connect children in foster care with families who are ready and willing to provide loving homes, but who happen to live across state lines. It also helps facilitate interstate adoptions further

through better data tracking and development of national standards for home studies, a requirement before a child can be adopted.

Second, the bill aims to establish permanency for youth by eliminating long-term foster care as a goal for children under 17. We also request a study to learn more about why long-term foster care has been set as a goal for some youth. We believe the study will further inform our overall goal of connecting these children to permanent families and caring adults. But, simply put, we believe permanent foster care should not be a goal for children who are younger than 17.

Third, this legislation dedicates funding to post-adoption and post-permanency support services for children who are adopted, or are permanently in the care of a relative or guardian. This is an important step to make sure that families receive support after a child becomes a family member and, more broadly, can help make sure more adoptions and permanent placements are successful. Additionally, the legislation requires states to engage in public-private partnerships and enhanced strategies to find more permanent placements for older youth who are most at risk of aging out of foster care. Among our foster care population, these are some of our most vulnerable and valuable young people who are most in need of guidance and a loving, nurturing home.

Finally, this legislation would do more to keep siblings together after they are removed from an unsafe home. The bond between siblings is unique and often an important source of stability for children. Unfortunately, once a child joins a permanent home through adoption, there are sometimes barriers to maintaining sibling relationships under current Federal law. Our legislation helps to remove these barriers by strengthening the opportunities for sibling relationships and joint placement, and making sure that the parents of siblings are given notice if their brother or sister enters foster care.

Our legislation lays out an important vision for how we can improve adoption and foster care in our country. Adoptions from foster care have increased in recent years, which means that more families are stepping up to adopt children who are in vulnerable situations through no fault of their own. But, we have far more to do to ensure that every child in foster care has this opportunity. I am extremely grateful to many of the adoption advocates, including the Congressional Coalition on Adoption Institute, Voice for Adoption, and Listening to Parents, among others, who have been so instrumental in developing recommendations and moving this and other related proposals forward.

Together, we can make great strides toward improving opportunities for the nearly 400,000 children in foster care, of which 102,000 are waiting to find forever families through adoption. New data from the Department of Health and Human Services on adoption and foster care suggests that while the number of children in foster care remains steady, the adoption rate continues to climb. Last year alone, 52,000 children were adopted from foster care and for each of those children, being adopted is a positive, affirming, and life-changing event. Through our work, we can provide more of these opportunities for children in foster care, and set them up to have successful lives with forever families.

By Mr. MCCONNELL:

S. 1514. A bill to save coal jobs, and for other purposes; read the first time.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Saving Coal Jobs Act of 2013''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—PROHIBITION ON ENERGY TAX

SEC. 101. PROHIBITION ON ENERGY TAX.

(a) FINDINGS; PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) on June 25, 2013, President Obama issued a Presidential memorandum directing the Administrator of the Environmental Protection Agency to issue regulations relating to power sector carbon pollution standards for existing coal fired power plants;

(B) the issuance of that memorandum circumvents Congress and the will of the people of the United States;

(C) any action to control emissions of greenhouse gases from existing coal fired power plants in the United States by mandating a national energy tax would devastate major sectors of the economy, cost thousands of jobs, and increase energy costs for low-income households, small businesses, and seniors on fixed income;

(D) joblessness increases the likelihood of hospital visits, illnesses, and premature deaths;

(E) according to testimony on June 15, 2011, before the Committee on Environment and Public Works of the Senate by Dr. Harvey Brenner of Johns Hopkins University, ''The unemployment rate is well established as a risk factor for elevated illness and mortality rates in epidemiological studies performed since the early 1980s. In addition to influences on mental disorder, suicide and alcohol abuse and alcoholism, unemployment is also an important risk factor in cardiovascular disease and overall decreases in life expectancy.'';

(F) according to the National Center for Health Statistics, ''children in poor families were four times as likely to be in fair or poor health as children that were not poor'';

(G) any major decision that would cost the economy of the United States millions of dollars and lead to serious negative health effects for the people of the United States should be debated and explicitly authorized by Congress, not approved by a Presidential memorandum or regulations; and

(H) any policy adopted by Congress should make United States energy as clean as practicable, as quickly as practicable, without increasing the cost of energy for struggling families, seniors, low-income households, and small businesses.

(2) PURPOSES.—The purposes of this section are—

(A) to ensure that—

(i) a national energy tax is not imposed on the economy of the United States; and

(ii) struggling families, seniors, low-income households, and small businesses do not experience skyrocketing electricity bills and joblessness;

(B) to protect the people of the United States, particularly families, seniors, and children, from the serious negative health effects of joblessness;

(C) to allow sufficient time for Congress to develop and authorize an appropriate mechanism to address the energy needs of the United States and the potential challenges posed by severe weather; and

(D) to restore the legislative process and congressional authority over the energy policy of the United States.

(b) PRESIDENTIAL MEMORANDUM.—Notwithstanding any other provision of law, the head of a Federal agency shall not promulgate any regulation relating to power sector carbon pollution standards or any substantially similar regulation on or after June 25, 2013, unless that regulation is explicitly authorized by an Act of Congress.

TITLE II—PERMITS

SEC. 201. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

(a) APPLICABILITY OF GUIDANCE.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) APPLICABILITY OF GUIDANCE.—

''(1) DEFINITIONS.—In this subsection:

''(A) GUIDANCE.—

''(i) IN GENERAL.—The term 'guidance' means draft, interim, or final guidance issued by the Administrator.

''(ii) INCLUSIONS.—The term 'guidance' includes—

''(I) the comprehensive guidance issued by the Administrator and dated April 1, 2010;

''(II) the proposed guidance entitled 'Draft Guidance on Identifying Waters Protected by the Clean Water Act' and dated April 28, 2011;

''(III) the final guidance proposed by the Administrator and dated July 21, 2011; and

''(IV) any other document or paper issued by the Administrator through any process other than the notice and comment rulemaking process.

''(B) NEW PERMIT.—The term 'new permit' means a permit covering discharges from a structure—

''(i) that is issued under this section by a permitting authority; and

''(ii) for which an application is—

''(I) pending as of the date of enactment of this subsection; or

''(II) filed on or after the date of enactment of this subsection.

''(C) PERMITTING AUTHORITY.—The term 'permitting authority' means—

''(i) the Administrator; or

''(ii) a State, acting pursuant to a State program that is equivalent to the program under this section and approved by the Administrator.

''(2) PERMITS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, in making a determination whether to approve a new permit or a renewed permit, the permitting authority—

''(i) shall base the determination only on compliance with regulations issued by the Administrator or the permitting authority; and

''(ii) shall not base the determination on the extent of adherence of the applicant for the new permit or renewed permit to guidance.

''(B) NEW PERMITS.—If the permitting authority does not approve or deny an application for a new permit by the date that is 270 days after the date of receipt of the application for the new permit, the applicant may operate as if the application were approved in accordance with Federal law for the period of time for which a permit from the same industry would be approved.

''(C) SUBSTANTIAL COMPLETENESS.—In determining whether an application for a new permit or a renewed permit received under this paragraph is substantially complete, the permitting authority shall use standards for determining substantial completeness of similar permits for similar facilities submitted in fiscal year 2007.''.

(b) STATE PERMIT PROGRAMS.—

(1) IN GENERAL.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by striking subsection (b) and inserting the following:

''(b) STATE PERMIT PROGRAMS.—

''(1) IN GENERAL.—At any time after the promulgation of the guidelines required by section 304(a)(2), the Governor of each State desiring to administer a permit program for discharges into navigable waters within the jurisdiction of the State may submit to the Administrator—

''(A) a full and complete description of the program the State proposes to establish and administer under State law or under an interstate compact; and

''(B) a statement from the attorney general (or the attorney for those State water pollution control agencies that have independent legal counsel), or from the chief legal officer in the case of an interstate agency, that the laws of the State, or the interstate compact, as applicable, provide adequate authority to carry out the described program.

''(2) APPROVAL.—The Administrator shall approve each program for which a description is submitted under paragraph (1) unless the Administrator determines that adequate authority does not exist—

''(A) to issue permits that—

''(i) apply, and ensure compliance with, any applicable requirements of sections 301, 302, 306, 307, and 403;

''(ii) are for fixed terms not exceeding 5 years;

''(iii) can be terminated or modified for cause, including—

''(I) a violation of any condition of the permit;

''(II) obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and

''(III) a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; and

''(iv) control the disposal of pollutants into wells;

''(B)(i) to issue permits that apply, and ensure compliance with, all applicable requirements of section 308; or

''(ii) to inspect, monitor, enter, and require reports to at least the same extent as required in section 308;

''(C) to ensure that the public, and any other State the waters of which may be affected, receives notice of each application for a permit and an opportunity for a public hearing before a ruling on each application;

''(D) to ensure that the Administrator receives notice and a copy of each application for a permit;

''(E) to ensure that any State (other than the permitting State), whose waters may be affected by the issuance of a permit may submit written recommendations to the permitting State and the Administrator with respect to any permit application and, if any part of the written recommendations are not accepted by the permitting State, that the permitting State will notify the affected State and the Administrator in writing of the failure of the State to accept the recommendations, including the reasons for not accepting the recommendations;

''(F) to ensure that no permit will be issued if, in the judgment of the Secretary of the Army (acting through the Chief of Engineers), after consultation with the Secretary of the department in which the Coast Guard is operating, anchorage and navigation of any of the navigable waters would be substantially impaired by the issuance of the permit;

''(G) to abate violations of the permit or the permit program, including civil and criminal penalties and other means of enforcement;

''(H) to ensure that any permit for a discharge from a publicly owned treatment works includes conditions to require the identification in terms of character and volume of pollutants of any significant source introducing pollutants subject to pretreatment standards under section 307(b) into the treatment works and a program to ensure compliance with those pretreatment standards by each source, in addition to adequate notice, which shall include information on the quality and quantity of effluent to be introduced into the treatment works and any anticipated impact of the change in the quantity or quality of effluent to be discharged from the publicly owned treatment works, to the permitting agency of—

''(i) new introductions into the treatment works of pollutants from any source that would be a new source (as defined in section 306(a)) if the source were discharging pollutants;

''(ii) new introductions of pollutants into the treatment works from a source that would be subject to section 301 if the source were discharging those pollutants; or

''(iii) a substantial change in volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit; and

''(I) to ensure that any industrial user of any publicly owned treatment works will comply with sections 204(b), 307, and 308.

''(3) ADMINISTRATION.—Notwithstanding paragraph (2), the Administrator may not disapprove or withdraw approval of a program under this subsection on the basis of the following:

''(A) The failure of the program to incorporate or comply with guidance (as defined in subsection (s)(1)).

''(B) The implementation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended—

(i) in subsection (c)—

(I) in paragraph (1)(A), by striking ''402(b)(8)'' and inserting ''402(b)(2)(H)''; and

(II) in paragraph (2)(A), by striking ''402(b)(8)'' and inserting ''402(b)(2)(H)''; and

(ii) in subsection (d), in the first sentence, by striking ''402(b)(8)'' and inserting ''402(b)(2)(H)''.

(B) Section 402(m) of the Federal Water Pollution Control Act (33 U.S.C. 1342(m)) is amended in the first sentence by striking ''subsection (b)(8) of this section'' and inserting ''subsection (b)(2)(H)''.

(c) SUSPENSION OF FEDERAL PROGRAM.—Section 402(c) of the Federal Water Pollution Control Act (33 U.S.C. 1342(c)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) LIMITATION ON DISAPPROVAL.—Notwithstanding paragraphs (1) through (3), the Administrator may not disapprove or withdraw approval of a State program under subsection (b) on the basis of the failure of the following:

''(A) The failure of the program to incorporate or comply with guidance (as defined in subsection (s)(1)).

''(B) The implementation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).''.

(d) NOTIFICATION OF ADMINISTRATOR.—Section 402(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1342(d)(2)) is amended—

(1) by striking ''(2)'' and all that follows through the end of the first sentence and inserting the following:

''(2) OBJECTION BY ADMINISTRATOR.—

''(A) IN GENERAL.—Subject to subparagraph (C), no permit shall issue if—

''(i) not later than 90 days after the date on which the Administrator receives notification under subsection (b)(2)(E), the Administrator objects in writing to the issuance of the permit; or

''(ii) not later than 90 days after the date on which the proposed permit of the State is transmitted to the Administrator, the Administrator objects in writing to the issuance of the permit as being outside the guidelines and requirements of this Act.'';

(2) in the second sentence, by striking ''Whenever the Administrator'' and inserting the following:

''(B) REQUIREMENTS.—If the Administrator''; and

(3) by adding at the end the following:

''(C) EXCEPTION.—The Administrator shall not object to or deny the issuance of a permit by a State under subsection (b) or (s) based on the following:

''(i) Guidance, as that term is defined in subsection (s)(1).

''(ii) The interpretation of the Administrator of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).''.

SEC. 202. PERMITS FOR DREDGED OR FILL MATERIAL.

(a) IN GENERAL.—Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended—

(1) by striking the section heading and all that follows through ''SEC. 404. (a) The Secretary may issue'' and inserting the following:

''SEC. 404. PERMITS FOR DREDGED OR FILL MATERIAL.

''(a) PERMITS.—

''(1) IN GENERAL.—The Secretary may issue''; and

(2) in subsection (a), by adding at the end the following:

''(2) DEADLINE FOR APPROVAL.—

''(A) PERMIT APPLICATIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), if an environmental assessment or environmental impact statement, as appropriate, is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary shall—

''(I) begin the process not later than 90 days after the date on which the Secretary receives a permit application; and

''(II) approve or deny an application for a permit under this subsection not later than the latter of—

''(aa) if an agency carries out an environmental assessment that leads to a finding of no significant impact, the date on which the finding of no significant impact is issued; or

''(bb) if an agency carries out an environmental assessment that leads to a record of decision, 15 days after the date on which the record of decision on an environmental impact statement is issued.

''(ii) PROCESSES.—Notwithstanding clause (i), regardless of whether the Secretary has commenced an environmental assessment or environmental impact statement by the date described in clause (i)(I), the following deadlines shall apply:

''(I) An environmental assessment carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be completed not later than 1 year after the deadline for commencing the permit process under clause (i)(I).

''(II) An environmental impact statement carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be completed not later than 2 years after the deadline for commencing the permit process under clause (i)(I).

''(B) FAILURE TO ACT.—If the Secretary fails to act by the deadline specified in clause (i) or (ii) of subparagraph (A)—

''(i) the application, and the permit requested in the application, shall be considered to be approved;

''(ii) the Secretary shall issue a permit to the applicant; and

''(iii) the permit shall not be subject to judicial review.''.

(b) STATE PERMITTING PROGRAMS.—Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORITY OF ADMINISTRATOR.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (4), until the Secretary has issued a permit under this section, the Administrator is authorized to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site, if the Administrator determines, after notice and opportunity for public hearings, that the discharge of the materials into the area will have an unacceptable adverse effect on municipal water supplies, shellfish beds or fishery areas (including spawning and breeding areas), wildlife, or recreational areas.

''(2) CONSULTATION.—Before making a determination under paragraph (1), the Administrator shall consult with the Secretary.

''(3) FINDINGS.—The Administrator shall set forth in writing and make public the findings of the Administrator and the reasons of the Administrator for making any determination under this subsection.

''(4) AUTHORITY OF STATE PERMITTING PROGRAMS.—This subsection shall not apply to any permit if the State in which the discharge originates or will originate does not concur with the determination of the Administrator that the discharge will result in an unacceptable adverse effect as described in paragraph (1).''.

(c) STATE PROGRAMS.—Section 404(g)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1344(g)(1)) is amended in the first sentence by striking ''for the discharge'' and inserting ''for all or part of the discharges''.

SEC. 203. IMPACTS OF ENVIRONMENTAL PROTECTION AGENCY REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COVERED ACTION.—The term ''covered action'' means any of the following actions taken by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.):

(A) Issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(3) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term ''more than a de minimis negative impact'' means the following:

(A) With respect to employment levels, a loss of more than 100 jobs, except that any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment may not be used in the job loss calculation.

(B) With respect to economic activity, a decrease in economic activity of more than $1,000,000 over any calendar year, except that any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

(b) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on employment levels and economic activity, including estimated job losses and decreased economic activity.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall use the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31st of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Environmental Protection Agency; and

(B) request that the Governor of any State experiencing more than a de minimis negative impact post the analysis in the Capitol of the State.

(c) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days prior to the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—

(A) IN GENERAL.—A public hearing required under paragraph (1) shall be held at a convenient time and location for impacted residents.

(B) PRIORITY.—In selecting a location for such a public hearing, the Administrator shall give priority to locations in the State that will experience the greatest number of job losses.

(d) NOTIFICATION.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in any State, the Administrator shall give notice of such impact to the congressional delegation, Governor, and legislature of the State at least 45 days before the effective date of the covered action.

SEC. 204. IDENTIFICATION OF WATERS PROTECTED BY THE CLEAN WATER ACT.

(a) IN GENERAL.—The Secretary of the Army and the Administrator of the Environmental Protection Agency may not—

(1) finalize, adopt, implement, administer, or enforce the proposed guidance described in the notice of availability and request for comments entitled ''EPA and Army Corps of Engineers Guidance Regarding Identification of Waters Protected by the Clean Water Act'' (EPA–HQ–OW–2011–0409) (76 Fed. Reg. 24479 (May 2, 2011)); and

(2) use the guidance described in paragraph (1), any successor document, or any substantially similar guidance made publicly available on or after December 3, 2008, as the basis for any decision regarding the scope of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or any rulemaking.

(b) RULES.—The use of the guidance described in subsection (a)(1), or any successor document or substantially similar guidance made publicly available on or after December 3, 2008, as the basis for any rule shall be grounds for vacating the rule.

SEC. 205. LIMITATIONS ON AUTHORITY TO MODIFY STATE WATER QUALITY STANDARDS.

(a) STATE WATER QUALITY STANDARDS.—Section 303(c)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by striking ''(4) The'' and inserting the following:

''(4) PROMULGATION OF REVISED OR NEW STANDARDS.—

''(A) IN GENERAL.—The'';

(3) by striking ''The Administrator shall promulgate'' and inserting the following:

''(B) DEADLINE.—The Administrator shall promulgate;'' and

(4) by adding at the end the following:

''(C) STATE WATER QUALITY STANDARDS.—Notwithstanding any other provision of this paragraph, the Administrator may not promulgate a revised or new standard for a pollutant in any case in which the State has submitted to the Administrator and the Administrator has approved a water quality standard for that pollutant, unless the State concurs with the determination of the Administrator that the revised or new standard is necessary to meet the requirements of this Act.''.

(b) FEDERAL LICENSES AND PERMITS.—Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C. 1341(a)) is amended by adding at the end the following:

''(7) STATE OR INTERSTATE AGENCY DETERMINATION.—With respect to any discharge, if a State or interstate agency having jurisdiction over the navigable waters at the point at which the discharge originates or will originate determines under paragraph (1) that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307, the Administrator may not take any action to supersede the determination.''.

SEC. 206. STATE AUTHORITY TO IDENTIFY WATERS WITHIN BOUNDARIES OF THE STATE.

Section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)) is amended by striking paragraph (2) and inserting the following:

''(2) STATE AUTHORITY TO IDENTIFY WATERS WITHIN BOUNDARIES OF THE STATE.—

''(A) IN GENERAL.—Each State shall submit to the Administrator from time to time, with the first such submission not later than 180 days after the date of publication of the first identification of pollutants under section 304(a)(2)(D), the waters identified and the loads established under subparagraphs (A), (B), (C), and (D) of paragraph (1).

''(B) APPROVAL OR DISAPPROVAL BY ADMINISTRATOR.—

''(i) IN GENERAL.—Not later than 30 days after the date of submission, the Administrator shall approve the State identification and load or announce the disagreement of the Administrator with the State identification and load.

''(ii) APPROVAL.—If the Administrator approves the identification and load submitted by the State under this subsection, the State shall incorporate the identification and load into the current plan of the State under subsection (e).

''(iii) DISAPPROVAL.—If the Administrator announces the disagreement of the Administrator with the identification and load submitted by the State under this subsection. the Administrator shall submit, not later than 30 days after the date that the Administrator announces the disagreement of the Administrator with the submission of the State, to the State the written recommendation of the Administrator of those additional waters that the Administrator identifies and such loads for such waters as the Administrator believes are necessary to implement the water quality standards applicable to the waters.

''(C) ACTION BY STATE.—Not later than 30 days after receipt of the recommendation of the Administrator, the State shall—

''(i) disregard the recommendation of the Administrator in full and incorporate its own identification and load into the current plan of the State under subsection (e);

''(ii) accept the recommendation of the Administrator in full and incorporate its identification and load as amended by the recommendation of the Administrator into the current plan of the State under subsection (e); or

''(iii) accept the recommendation of the Administrator in part, identifying certain additional waters and certain additional loads proposed by the Administrator to be added to the State's identification and load and incorporate the State's identification and load as amended into the current plan of the State under subsection (e).

''(D) NONCOMPLIANCE BY ADMINISTRATOR.—

''(i) IN GENERAL.—If the Administrator fails to approve the State identification and load or announce the disagreement of the Administrator with the State identification and load within the time specified in this subsection—

''(I) the identification and load of the State shall be considered approved; and

''(II) the State shall incorporate the identification and load that the State submitted into the current plan of the State under subsection (e).

''(ii) RECOMMENDATIONS NOT SUBMITTED.—If the Administrator announces the disagreement of the Administrator with the identification and load of the State but fails to submit the written recommendation of the Administrator to the State within 30 days as required by subparagraph (B)(iii)—

''(I) the identification and load of the State shall be considered approved; and

''(II) the State shall incorporate the identification and load that the State submitted into the current plan of the State under subsection (e).

''(E) APPLICATION.—This section shall apply to any decision made by the Administrator under this subsection issued on or after March 1, 2013.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 227—TO COMMEMORATE THE 70TH ANNIVERSARY OF THE HEROIC RESCUE OF DANISH JEWS DURING THE SECOND WORLD WAR BY THE DANISH PEOPLE

Mr. MENENDEZ submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 227

Whereas, in the fall of 1943, the Nazis occupied Denmark and issued orders that the Danes deport all Danish Jews to concentration camps where the Jews would eventually be exterminated;

Whereas the Danish people, as a result of the Nazi mandate, refused to accept the prosecution of the Jews and began a mission of mercy on October 1, 1943, smuggling Jews across the Oresund Strait to neutral Sweden via small boats and fishing cutters;

Whereas the Danish rescuers unselfishly risked their own lives, avoiding German patrols for weeks during the rescue operations;

Whereas approximately 90 percent of the Danish Jews were saved from certain death at the hands of the Nazis by the sheer courage and compassion demonstrated by the Danes; and

Whereas it is imperative that future generations continue to remember and understand what happened so that the horrors of the Holocaust will never be repeated: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commemorates the bravery and valor of those Danes who participated in the 1943 rescue operations that saved the lives of 7,300 Jews who would otherwise have perished in Nazi concentration camps; and

(2) declares that the world owes a great debt to these Danes who did not turn a blind eye on the dangers that faced Jews under Nazi occupation and continue to serve as inspiration to others in times of difficulties and challenges.

SENATE RESOLUTION 228—AUTHORIZING THE REPORTING OF COMMITTEE FUNDING RESOLUTIONS FOR THE PERIOD OCTOBER 1, 2013, THROUGH FEBRUARY 28, 2015

Mr. SCHUMER submitted the following resolution; from the Committee on Rules and Administration; which was placed on the calendar:

S. RES. 228

Resolved, That notwithstanding paragraph 9 of rule XXVI of the Standing Rules of the Senate—

(1) not later than September 20, 2013, each committee shall report 1 resolution authorizing the committee to make expenditures out of the contingent fund of the Senate to defray its expenses, including the compensation of members of its staff, for the period October 1, 2013 through February 28, 2015; and

(2) the Committee on Rules and Administration may report 1 authorization resolution containing more than 1 committee authorization resolution for the period October 1, 2013 through February 28, 2015.

SENATE RESOLUTION 229—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER submitted the following resolution; from the Committee on Rules and Administration; which was placed on the calendar:

S. RES. 229

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from October 1, 2013, through September 30, 2014 and October 1, 2014, through February 28, 2015, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period October 1, 2013, through September 30, 2014, under this resolution shall not exceed $2,334,743, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $12,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

(b) For the period October 1, 2014, through February 28, 2015, expenses of the committee under this resolution shall not exceed $972,810, of which amount (1) not to exceed $31,250 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for

the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from October, 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 230—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Ms. STABENOW submitted the following resolution; from the Committee on Agriculture, Nutrition, and Forestry; which was referred to the Committee on Rules and Administration:

S. RES. 230

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from October 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period October 1, 2013, through September 30, 2014, under this resolution shall not exceed $4,181,090 of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

(b) For the period October 1, 2014, through February 28, 2015, expenses of the committee under this resolution shall not exceed $1,742,121 of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from October, 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 231—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN submitted the following resolution; from the Committee on Energy and Natural Resources; which was referred to the Committee on Rules and Administration:

S. RES. 231

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of the Rules, including holding hearings, reporting the hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources (referred to in this resolution as the ''Committee'') is authorized for the period beginning October 1, 2013, and ending September 30, 2014, and for the period beginning October 1, 2014, and ending February 28, 2015, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) INITIAL PERIOD.—The expenses of the Committee for the period beginning October 1, 2013, and ending September 30, 2014, under this resolution shall not exceed $5,463,481.

(b) SUBSEQUENT PERIOD.—The expenses of the Committee for the period beginning October 1, 2014, and ending February 28, 2015, under this resolution shall not exceed $2,276,450.

SEC. 3. REPORTING OF FINDINGS AND RECOMMENDATIONS.

The Committee shall report its findings, together with such recommendations for legislation as it considers advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. PAYMENT FROM CONTINGENT FUND.

(a) IN GENERAL.—Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate on vouchers approved by the chairman of the Committee.

(b) EXCEPTIONS.—Vouchers shall not be required for—

(1) the disbursement of salaries of employees paid at an annual rate;

(2) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper of the Senate;

(3) the payment of stationery supplies purchased through the Keeper of the Stationery of the Senate;

(4) payments to the Postmaster of the Senate;

(5) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper of the Senate;

(6) the payment of Senate Recording and Photographic Services; or

(7) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 5. AGENCY CONTRIBUTIONS.

There are authorized such sums as are necessary for agency contributions related to the compensation of employees of the Committee for the period beginning October, 1, 2013, and ending September 30, 2014, and for the period beginning October 1, 2014, and ending February 28, 2015, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 232—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. LEVIN submitted the following resolution; from the Committee on Armed Services; which was referred to the Committee on Rules and Administration:

S. RES. 232

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from October 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period October 1, 2013, through September 30, 2014, under this resolution shall not exceed $6,421,128, of which amount (1) not to exceed $80,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

(b) For the period October 1, 2014, through February 28, 2015, expenses of the committee under this resolution shall not exceed $2,675,470, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization

Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from October 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 233—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. SANDERS submitted the following resolution; from the Committee on Veterans' Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 233

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from October 1, 2013, through September 30, 2014 and October 1, 2014, through February 28, 2015, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period October 1, 2013, through September 30, 2014, under this resolution shall not exceed $2,178,117, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $9,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

(b) For the period October 1, 2014, through February 28, 2015, expenses of the committee under this resolution shall not exceed $907,549, of which amount (1) not to exceed $21,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from October, 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 234—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CARPER submitted the following resolution; from the Committee on Homeland Security and Governmental Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 234

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate and S. Res. 445 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs (in this resolution referred to as the ''committee'') is authorized from October 1, 2013 through February 28, 2015, in its discretion to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2015.

(a) EXPENSES FOR THE PERIOD OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014.—The expenses of the committee for the period October 1, 2013 through September 30, 2014 under this resolution shall not exceed $9,488,952, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR THE PERIOD OCTOBER 1, 2014 THROUGH FEBRUARY 28, 2015.—The expenses of the committee for the period October 1, 2014 through February 28, 2015 under this resolution shall not exceed $3,953,730, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. EXPENSES; AGENCY CONTRIBUTIONS; AND INVESTIGATIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from October 1, 2013 through February 28, 2015, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

(c) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and

corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman is authorized, in its, his, her, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 64, agreed to March 5, 2013 (113th Congress), are authorized to continue.

SENATE RESOLUTION 235—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR OCTOBER 1, 2013, THROUGH SEPTEMBER 30, 2014, AND OCTOBER 1, 2014, THROUGH FEBRUARY 28, 2015

Ms. LANDRIEU submitted the following resolution; from the Committee on Small Business and Entrepreneurship; which was referred to the Committee on Rules and Administration:

S. RES. 235

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from October 1, 2013, through September 30, 2014 and October 1, 2014, through February 28, 2015, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period October 1, 2013, through September 30, 2014, under this resolution shall not exceed $2,581,019, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

(b) For the period October 1, 2014, through February 28, 2015, expenses of the committee under this resolution shall not exceed $1,075,424, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from October, 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 236—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. BOXER submitted the following resolution; from the Committee on Environment and Public Works; which was referred to the Committee on Rules and Administration:

S. RES. 236

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from October 1, 2013, through September 30, 2014 and October 1, 2014, through February 28, 2015, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period October 1, 2013, through September 30, 2014, under this resolution shall not exceed $5,194,253, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

(b) For the period October 1, 2014, through February 28, 2015, expenses of the committee under this resolution shall not exceed $2,164,272, of which amount (1) not to exceed $3,333.33 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $833.33 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from October, 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1929. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table.

SA 1930. Mr. BENNET (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1931. Mrs. FISCHER (for herself and Mr. FLAKE) submitted an amendment intended to be proposed by her to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1932. Mr. SANDERS (for himself, Mr. WYDEN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1933. Mr. UDALL of Colorado (for himself and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1934. Mr. FLAKE (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1935. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1936. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1937. Mr. FLAKE (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1938. Mr. FLAKE (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1939. Mr. FLAKE (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1940. Ms. KLOBUCHAR (for herself, Mr. HOEVEN, and Ms. STABENOW) submitted an amendment intended to be proposed by her to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1941. Mr. FRANKEN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1942. Mr. MANCHIN (for himself, Mr. VITTER, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1943. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1944. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1945. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1946. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1947. Ms. WARREN (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1948. Mr. UDALL of Colorado (for himself and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1949. Mr. BROWN (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1950. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1951. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1952. Mr. WARNER (for himself, Mr. MANCHIN, Mr. TESTER, and Mr. SCHATZ) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1929. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, after line 16, add the following:

SEC. 4_____. STUDY ON BENEFITS OF ENERGY SAVING DEVICES AND ENERGY CODE COMPLIANCE IN COMMERCIAL BUILDINGS.

(a) IN GENERAL.—The Secretary shall conduct a study of—

(1) the potential future energy and energy cost savings from full implementation of cost-effective investments in energy saving devices, equipment, and systems in the commercial building sector, including—

(A) devices such as timers, dimmers, and sensors with applications for reducing the power consumption of lighting and plug load in a building;

(B) equipment such as air control and hot aisle containment products with applications for reducing power consumption in data centers through signification reduction of cooling requirements; and

(C) systems such as controllers and sensors that work together to reduce power consumption of lighting and plug load at the room, floor, and building levels;

(2) the quantified energy savings and quantified nonenergy benefits of achieving full compliance with national model building energy codes (including any additional energy savings) if all new commercial building construction—

(A) meets national model building energy codes;

(B) exceeds national model codes by 25 percent; and

(C) exceeds national model codes by 50 percent; and

(3) the quantified energy saving and quantified nonenergy benefits realized from conducting comprehensive or deep retrofits in existing commercial buildings, including the effect that expanding the retrofit program would have with respect to—

(A) the United States as a whole; and

(B) 2 States selected for study.

(b) REQUIREMENTS.—

(1) IN GENERAL.—In carrying out studies under paragraphs (2) and (3) of subsection (a), the Secretary shall—

(A) include in nonenergy benefits improved health of building occupants and the general population, and greater office productivity that may be achieved from the adoption of national model building energy codes; and

(B) for each of the scenarios described in subsection (a)(2), calculate the societal return on investment from full implementation of national model building energy codes, with and without nonenergy benefits.

(2) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete the studies required under subsection (a).

SA 1930. Mr. BENNET (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 303 and insert the following:

SEC. 303. FEDERAL DATA CENTER CONSOLIDATION INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator for the Office of E-Government and Information Technology within the Office of Management and Budget.

(2) FDCCI.—The term ''FDCCI'' means the Federal Data Center Consolidation Initiative described in the Office of Management and Budget Memorandum on the Federal Data Center Consolidation Initiative, dated February 26, 2010, or any successor thereto.

(b) FEDERAL DATA CENTER CONSOLIDATION INVENTORIES AND STRATEGIES.—

(1) IN GENERAL.—

(A) ANNUAL REPORTING.—Each year, beginning in the first fiscal year after the date of enactment of this Act and for each of the 4 fiscal years thereafter, the head of each agency that is described in subparagraph (D), assisted by the Chief Information Officer of the agency, shall submit to the Administrator—

(i) a comprehensive asset inventory of the data centers owned, operated, or maintained by or on behalf of the agency, even if the center is administered by a third party; and

(ii) a multi-year strategy to achieve the optimization and consolidation of agency data center assets, that includes—

(I) performance metrics—

(aa) that are consistent with performance metrics established by the Administrator under subparagraphs (C) and (G) of paragraph (2); and

(bb) by which the quantitative and qualitative progress of the agency toward data center consolidation goals can be measured;

(II) a timeline for agency activities completed under the FDCCI, with an emphasis on benchmarks the agency can achieve by specific dates;

(III) an aggregation of year-by-year investment and cost savings calculations for the period beginning on the date of enactment of this Act and ending on the date described in subsection (e), broken down by each year, including a description of any initial costs for data center consolidation and life cycle cost savings, with an emphasis on—

(aa) meeting the Government-wide performance metrics described in subparagraphs (C) and (G) of paragraph (2); and

(bb) demonstrating agency-specific savings each fiscal year achieved through the FDCCI; and

(IV) any additional information required by the Administrator.

(B) USE OF EXISTING REPORTING STRUCTURES.—The Administrator may require agencies described in subparagraph (D) to submit any information required to be submitted under this subsection through reporting structures in use as of the date of enactment of this Act.

(C) CERTIFICATION.—Each year, beginning in the first fiscal year after the date of enactment of this Act and for each of the 4 fiscal years thereafter, acting through the chief information officer of the agency, shall submit a statement to the Administrator certifying that the agency has complied with the requirements of this Act.

(D) AGENCIES DESCRIBED.—The agencies (including all associated components of the agency) described in this paragraph are the—

(i) Department of Agriculture;

(ii) Department of Commerce;

(iii) Department of Defense;

(iv) Department of Education;

(v) Department of Energy;

(vi) Department of Health and Human Services;

(vii) Department of Homeland Security;

(viii) Department of Housing and Urban Development;

(ix) Department of the Interior;

(x) Department of Justice;

(xi) Department of Labor;

(xii) Department of State;

(xiii) Department of Transportation;

(xiv) Department of Treasury;

(xv) Department of Veterans Affairs;

(xvi) Environmental Protection Agency;

(xvii) General Services Administration;

(xviii) National Aeronautics and Space Administration;

(xix) National Science Foundation;

(xx) Nuclear Regulatory Commission;

(xxi) Office of Personnel Management;

(xxii) Small Business Administration;

(xxiii) Social Security Administration; and

(xxiv) United States Agency for International Development.

(E) AGENCY IMPLEMENTATION OF STRATEGIES.—Each agency described in subparagraph (D), under the direction of the Chief Information Officer of the agency shall—

(i) implement the consolidation strategy required under subparagraph (A)(ii); and

(ii) provide updates to the Administrator, on a quarterly basis, of —

(I) the completion of activities by the agency under the FDCCI;

(II) any progress of the agency towards meeting the Government-wide data center performance metrics described in subparagraphs (C) and (G) of paragraph (2); and

(III) the actual cost savings realized through the implementation of the FDCCI.

(F) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the reporting of information by any agency described in subparagraph (F) to the Administrator, the Director of the Office of Management and Budget, or to Congress.

(2) ADMINISTRATOR RESPONSIBILITIES.—The Administrator shall—

(A) establish the deadline, on an annual basis, for agencies to submit information under this section;

(B) establish a list of requirements that the agencies must meet to be considered in compliance with paragraph (1);

(C) ensure that each certification submitted under paragraph (1)(C) and information relating to agency progress towards meeting the Government-wide total cost of ownership optimization and consolidation metrics is made available in a timely manner to the general public;

(D) review the plans submitted under paragraph (1) to determine whether each plan is comprehensive and complete;

(E) monitor the implementation of the data center plan of each agency described in paragraph (1)(A)(ii);

(F) update, on an annual basis, the cumulative cost savings realized through the implementation of the agency plans; and

(G) establish Government-wide data center total cost of ownership optimization and consolidation metrics, which shall include server efficiency and other comprehensive metrics established at the discretion of the Administrator.

(3) COST SAVING GOAL AND UPDATES FOR CONGRESS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and publish a goal for the total amount of planned cost savings by the Federal Government through the Federal Data Center Consolidation Initiative during the 5-year period beginning on the date of enactment of this Act, which shall include a breakdown on a year-by-year basis of the projected savings.

(B) ANNUAL UPDATE.—

(i) IN GENERAL.—Not later than 1 year after the date on which the goal described in subparagraph (A) is determined and each year thereafter until the end of 2018, the Administrator shall aggregate the savings achieved to date, by each relevant agency, through the FDCCI as compared to the projected savings developed under subparagraph (A) (based on data collected from each affected agency under paragraph (1)).

(ii) UPDATE FOR CONGRESS.—The goal required to be developed and published under subparagraph (A) shall be submitted to Congress and shall include an update on the progress made by each agency described in subsection paragraph (1)(E) on—

(I) whether each agency has in fact submitted a comprehensive asset inventory, including an assessment broken down by agency, which shall include the specific numbers, utilization, and efficiency level of data centers; and

(II) whether each agency has submitted a comprehensive consolidation plan with the key elements described in paragraph (1)(A)(ii).

(iii) REQUEST FOR INFORMATION.—Upon request from the Committee on Homeland Security and Governmental Affairs of the Senate or the Committee on Oversight and Government Reform of the House of Representatives, the head of an agency described in paragraph (1)(E) or the Director of the Office of Management and Budget shall submit to the requesting committee any report or information submitted to the Office of Management and Budget for the purpose of preparing a report required under clause (i) or an updated progress report required under clause (ii).

(4) GAO REVIEW.—

(A) IN GENERAL.—During the 5-fiscal-year period following the date of enactment of this Act, the Comptroller General of the United States shall review the quality and completeness, and verify, each agency's asset inventory and plans required under paragraph (1)(A).

(B) REPORT.—The Comptroller General of the United States shall, on an annual basis during the 5-fiscal-year period following the date of enactment of this Act, publish a report on each review conducted under subparagraph (A) of an agency during the fiscal year for which the report is published.

(c) ENSURING CYBERSECURITY STANDARDS FOR DATA CENTER CONSOLIDATION AND CLOUD COMPUTING.—An agency required to implement a data center consolidation plan under this Act and migrate to cloud computing shall do so in a manner that is consistent with Federal guidelines on cloud computing security, including—

(1) applicable provisions found within the Federal Risk and Authorization Management Program (FedRAMP); and

(2) guidance published by the National Institute of Standards and Technology.

(d) CLASSIFIED INFORMATION.—The Director of National Intelligence may waive the requirements of this Act for any element (or

component of an element) of the intelligence community.

(e) SUNSET.—This section is repealed effective on October 1, 2018.

SA 1931. Mrs. FISCHER (for herself and Mr. FLAKE) submitted an amendment intended to be proposed by her to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 23, strike line 6 and all that follows through page 25, line 21.

SA 1932. Mr. SANDERS (for himself, Mr. WYDEN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 47, strike line 17 and all that follows through page 48, line 2, and insert the following:

SEC. 4_____. STATE RESIDENTIAL BUILDING ENERGY EFFICIENCY UPGRADES LOAN PILOT PROGRAM.

(a) LOANS FOR RESIDENTIAL BUILDING ENERGY EFFICIENCY UPGRADES.—Part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is amended by adding at the end the following:

"SEC. 367. LOANS FOR RESIDENTIAL BUILDING ENERGY EFFICIENCY UPGRADES.

''(a) DEFINITIONS.—In this section:

''(1) CONSUMER-FRIENDLY.—The term 'consumer-friendly', with respect to a loan repayment approach, means a loan repayment approach that—

''(A) emphasizes convenience for customers;

''(B) is of low cost to consumers; and

''(C) emphasizes simplicity and ease of use for consumers in the billing process.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State or territory of the United States; and

''(B) a tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

''(3) ENERGY ADVISOR PROGRAM.—

''(A) IN GENERAL.—The term 'energy advisor program' means any program to provide to owners or residents of residential buildings advice, information, and support in the identification, prioritization, and implementation of energy efficiency and energy savings measures.

''(B) INCLUSIONS.—The term 'energy advisor program' includes a program that provides—

''(i) interpretation of energy audit reports;

''(ii) assistance in the prioritization of improvements;

''(iii) assistance in finding qualified contractors;

''(iv) assistance in contractor bid reviews;

''(v) education on energy conservation and energy efficiency;

''(vi) explanations of available incentives and tax credits;

''(vii) assistance in completion of rebate and incentive paperwork; and

''(viii) any other similar type of support.

''(4) ENERGY EFFICIENCY.—The term 'energy efficiency' means a decrease in homeowner or residential tenant consumption of energy (including electricity and thermal energy) that is achieved without reducing the quality of energy services through—

''(A) a measure or program that targets customer behavior;

''(B) equipment;

''(C) a device; or

''(D) other material.

''(5) ENERGY EFFICIENCY UPGRADE.—

''(A) IN GENERAL.—The term 'energy efficiency upgrade' means any project or activity—

''(i) the primary purpose of which is increasing energy efficiency; and

''(ii) that is carried out on a residential building.

''(B) INCLUSIONS.—The term 'energy efficiency upgrade' includes the installation or improvement of a renewable energy facility for heating or electricity generation serving a residential building carried out in conjunction with an energy efficiency project or activity.

''(6) RESIDENTIAL BUILDING.—

''(A) IN GENERAL.—The term 'residential building' means a building used for residential purposes.

''(B) INCLUSIONS.—The term 'residential building' includes—

''(i) a single-family residence;

''(ii) a multifamily residence composed not more than 4 units; and

''(iii) a mixed-use building that includes not more than 4 residential units.

''(b) ESTABLISHMENT OF PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a program under this part under which the Secretary shall make available to eligible entities loans for the purpose of establishing or expanding programs that provide to residential property owners or tenants financing for energy efficiency upgrades of residential buildings.

''(2) CONSULTATION.—In establishing the program under paragraph (1), the Secretary shall consult, as the Secretary determines to be appropriate, with stakeholders and the public.

''(3) NO REQUIREMENT TO PARTICIPATE.—No eligible entity shall be required to participate in any manner in the program established under paragraph (1).

''(4) DEADLINES.—The Secretary shall—

''(A) not later than 1 year after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2013, implement the program established under paragraph (1) (including soliciting applications from eligible entities in accordance with subsection (c)); and

''(B) not later than 2 years after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2013, disburse the initial loans provided under this section.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive a loan under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(2) SELECTION DATE.—Not later than 21 months after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2013, the Secretary shall select eligible entities to receive the initial loans provided under this section, in accordance with the requirements described in paragraph (3).

''(3) REQUIREMENTS.—In selecting eligible entities to receive loans under this section, the Secretary shall—

''(A) to the maximum extent practicable, ensure—

''(i) that both innovative and established approaches to the challenges of financing energy efficiency upgrades are supported;

''(ii) that energy efficiency upgrades are conducted and validated to comply with best practices for work quality, as determined by the Secretary;

''(iii) regional diversity among recipients, including participation by rural States and small States;

''(iv) significant participation by families with income levels at or below the median income level for the applicable geographical region, as determined by the Secretary; and

''(v) the incorporation by recipients of an energy advisor program;

''(B) evaluate applications based primarily on—

''(i) the projected reduction in energy use, as determined in accordance with such specific and commonly available methodology as the Secretary shall establish, by regulation;

''(ii) the creditworthiness of the eligible entity; and

''(iii) the incorporation of measures for making the loan repayment system for recipients of financing as consumer-friendly as practicable;

''(C) evaluate applications based secondarily on—

''(i) the extent to which the proposed financing program of the eligible entity incorporates best practices for such a program, as determined by the Secretary;

''(ii) whether the eligible entity has created a plan for evaluating the effectiveness of the proposed financing program and whether the plan includes—

''(I) a robust strategy for collecting, managing, and analyzing data, as well as making the data available to the public; and

''(II) experimental studies, which may include investigations of how human behavior impacts the effectiveness of efficiency improvements;

''(iii) the extent to which Federal funds are matched by funding from State, local, philanthropic, private sector, and other sources;

''(iv) the extent to which the proposed financing program will be coordinated and marketed with other existing or planned energy efficiency or energy conservation programs administered by—

''(I) utilities;

''(II) State, tribal, territorial, or local governments; or

''(III) community development financial institutions; and

''(v) such other factors as the Secretary determines to be appropriate; and

''(D) not provide an advantage or disadvantage to applications that include renewable energy in the program.

''(d) ADMINISTRATIVE PROVISIONS.—

''(1) TERM.—The Secretary shall establish terms for loans provided to eligible entities under this section—

''(A) in a manner that—

''(i) provides for a high degree of cost recovery; and

''(ii) ensures that, with respect to all loans provided to or by eligible entities under this section, the loans are competitive with, or superior to, other forms of financing for similar purposes; and

''(B) subject to the condition that the term of a loan provided to an eligible entity under this section shall not exceed 35 years.

''(2) INTEREST RATES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary, at the discretion of the Secretary, shall charge interest on a loan provided to an eligible entity under this section at a fixed rate equal, or approximately equal, to the interest rate charged on Treasury securities of comparable maturity.

''(B) LEVERAGED LOANS.—The interest rate and other terms of the loans provided to eligible entities under this section shall be established in a manner that ensures that the total amount of the loans is equal to not less than 20 times, and not more than 50 times, the amount appropriated for credit subsidy costs pursuant to subsection (g)(i).

''(3) NO PENALTY ON EARLY REPAYMENT.—The Secretary shall not assess any penalty for early repayment by an eligible entity of a loan provided under this section.

''(4) RETURN OF UNUSED PORTION.—As a condition of receipt of a loan under this section, an eligible entity shall agree to return to the general fund of the Treasury any portion of the loan amount that is unused by the eligible entity within a reasonable period after the date of receipt of the loan, as determined by the Secretary.

''(e) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity shall use a loan provided under this section to establish or expand 1 or more financing programs—

''(A) the purpose of which is to enable residential building owners or tenants to conduct energy efficiency upgrades of residential buildings;

''(B) that may, at the sole discretion of the eligible entity, require an outlay of capital by owners or residents of residential buildings in accordance with the goals of the program under this section; and

''(C) that incorporate a consumer-friendly loan repayment approach.

''(2) STRUCTURE OF FINANCING PROGRAM.—A financing program of an eligible entity may—

''(A) consist—

''(i) primarily or entirely of a financing program administered by—

''(I) the applicable State; or

''(II) a local government, utility, or other entity; or

''(ii) of a combination of programs described in clause (i);

''(B) rely on financing provided by—

''(i) the eligible entity; or

''(ii) a third party, acting through the eligible entity; and

''(C) include a provision pursuant to which a recipient of assistance under the financing program shall agree to return to the eligible entity any portion of the assistance that is unused by the recipient within a reasonable period after the date of receipt of the assistance, as determined by the eligible entity.

''(3) FORM OF ASSISTANCE.—Assistance from an eligible entity under this subsection may be provided in any form, or in accordance with any program, authorized by Federal law (including regulations), including in the form of—

''(A) a revolving loan fund;

''(B) a credit enhancement structure designed to mitigate the effects of default; or

''(C) a program that—

''(i) adopts any other approach for providing financing for energy efficiency upgrades producing significant energy efficiency gains; and

''(ii) incorporates measures for making the loan repayment system for recipients of financing as consumer-friendly as practicable.

''(4) SCOPE OF ASSISTANCE.—Assistance provided by an eligible entity under this subsection may be used to pay for costs associated with carrying out an energy efficiency upgrade, including materials and labor.

''(5) ADDITIONAL ASSISTANCE.—In addition to the amount of the loan provided to an eligible entity by the Secretary under subsection (b), the eligible entity may provide to recipients such assistance under this subsection as the eligible entity considers to be appropriate from any other funds of the eligible entity, including funds provided to the eligible entity by the Secretary for administrative costs pursuant to this section.

''(6) LIMITATIONS.—

''(A) INTEREST RATES.—

''(i) INTEREST CHARGED BY ELIGIBLE ENTITIES.—The interest rate charged by an eligible entity on assistance provided under this subsection—

''(I) shall be fixed; and

''(II) shall not exceed the interest rate paid by the eligible entity to the Secretary under subsection (d)(2).

''(ii) INTEREST CHARGED BY ASSISTANCE RECIPIENTS.—A recipient of assistance provided by an eligible entity under this subsection for the purpose of capitalizing a residential energy efficiency financing program of the recipient may charge interest on any loan provided by the recipient at a fixed rate that is as low as practicable, but not more than 5 percent more than the applicable interest rate paid by the eligible entity to the Secretary under subsection (d)(2).

''(B) NO PENALTY ON EARLY REPAYMENT.—An eligible entity, or a recipient of assistance provided by an eligible entity, shall not assess any penalty for early repayment by any recipient of assistance provided under this subsection by the eligible entity or recipient, as applicable.

''(f) REPORTS.—

''(1) ELIGIBLE ENTITIES.—

''(A) IN GENERAL.—Not later than 2 years after the date of receipt of the loan, and annually thereafter for the term of the loan, an eligible entity that receives a loan under this section shall submit to the Secretary a report describing the performance of each program and activity carried out using the loan, including anonymized loan performance data.

''(B) REQUIREMENTS.—The Secretary, in consultation with eligible entities and other stakeholders (such as lending institutions and the real estate industry), shall establish such requirements for the reports under this paragraph as the Secretary determines to be appropriate—

''(i) to ensure that the reports are clear, consistent, and straightforward; and

''(ii) taking into account the reporting requirements for similar programs in which the eligible entities are participating, if any.

''(2) SECRETARY.—The Secretary shall submit to Congress and make available to the public—

''(A) not less frequently than once each year, a report describing the performance of the program under this section, including a synthesis and analysis of the information provided in the reports submitted to the Secretary under paragraph (1)(A); and

''(B) on termination of the program under this section, an assessment of the success of, and education provided by, the measures carried out by eligible entities during the term of the program.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

''(1) $20,000,000 for the cost of credit subsidies;

''(2) $37,500,000 for energy advisor programs;

''(3) $5,000,000 for administrative costs to the Secretary of carrying out this section; and

''(4) $37,500,000 for administrative costs to States in carrying out this section.''.

(b) REORGANIZATION.—

(1) IN GENERAL.—Part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is amended—

(A) by redesignating sections 362, 363, 364, 365, and 366 as sections 364, 365, 366, 363, and 362, respectively, and moving the sections so as to appear in numerical order;

(B) in section 362 (as so redesignated)—

(i) in paragraph (3)(B)(i), by striking ''section 367, and'' and inserting ''section 367 (as in effect on the day before the date of enactment of the State Energy Efficiency Programs Improvement Act of 1990 (42 U.S.C. 6201 note; Public Law 101–440)); and''; and

(ii) in each of paragraphs (4) and (6), by striking ''section 365(e)(1)'' each place it appears and inserting ''section 363(e)(1)'';

(C) in section 363 (as so redesignated)—

(i) in subsection (b), by striking ''the provisions of sections 362 and 364 and subsection (a) of section 363'' and inserting ''sections 364, 365(a), and 366''; and

(ii) in subsection (g)(1)(A), in the second sentence, by striking ''section 362'' and inserting ''section 364''; and

(D) in section 365 (as so redesignated)—

(i) in subsection (a)—

(I) in paragraph (1), by striking ''section 362,'' and inserting ''section 364;''; and

(II) in paragraph (2), by striking ''section 362(b) or (e)'' and inserting ''subsection (b) or (e) of section 364''; and

(ii) in subsection (b)(2), in the matter preceding subparagraph (A), by striking ''section 362(b) or (e)'' and inserting ''subsection (b) or (e) of section 364''.

(2) CONFORMING AMENDMENTS.—Section 391 of the Energy Policy and Conservation Act (42 U.S.C. 6371) is amended—

(A) in paragraph (2)(M), by striking ''section 365(e)(2)'' and inserting ''section 363(e)(2)''; and

(B) in paragraph (10), by striking ''section 362 of this Act'' and inserting ''section 364''.

(3) CLERICAL AMENDMENT.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. 6201 note; Public Law 94–163) is amended by striking the items relating to part D of title III and inserting the following:

''PART D—STATE ENERGY CONSERVATION PROGRAMS

''Sec. 361. Findings and purpose.
''Sec. 362. Definitions.
''Sec. 363. General provisions.
''Sec. 364. State energy conservation plans.
''Sec. 365. Federal assistance to States.
''Sec. 366. State energy efficiency goals.
''Sec. 367. Loans for residential building energy efficiency upgrades.''.

SEC. 4_____. OFFSET.

Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon at the end; and

(2) by striking paragraph (4) and inserting the following:

''(4) $200,000,000 for fiscal year 2013;
''(5) $125,000,000 for fiscal year 2014;
''(6) $85,000,000 for fiscal year 2015;
''(7) $80,000,000 for fiscal year 2016;
''(8) $70,000,000 for fiscal year 2017; and
''(9) $70,000,000 for fiscal year 2018.''.

SA 1933. Mr. UDALL of Colorado (for himself and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, strike lines 3 through 24 and insert the following:

SEC. 301. ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION TECHNOLOGIES.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) by redesignating the second subsection (f) (relating to large capital energy investments) as subsection (g); and

(2) by adding at the end the following:

''(h) FEDERAL IMPLEMENTATION STRATEGY FOR ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION TECHNOLOGIES.—

''(1) DEFINITIONS.—In this subsection:

''(A) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(B) INFORMATION TECHNOLOGY.—The term 'information technology' has the meaning given the term in section 11101 of title 40, United States Code.

''(2) DEVELOPMENT OF IMPLEMENTATION STRATEGY.—Not later than 1 year after the date of enactment of this subsection, each Federal agency shall collaborate with the Director to develop an implementation strategy (including best-practices and measurement and verification techniques) for the maintenance, purchase, and use by the Federal agency of energy-efficient and energy-saving information technologies.

''(3) ADMINISTRATION.—In developing an implementation strategy, each Federal agency shall consider—

''(A) advanced metering infrastructure;

''(B) energy efficient data center strategies and methods of increasing asset and infrastructure utilization;

''(C) advanced power management tools;

''(D) building information modeling, including building energy management; and

''(E) secure telework and travel substitution tools.

''(4) PERFORMANCE GOALS.—

''(A) IN GENERAL.—Not later than September 30, 2014, the Director, in consultation with the Secretary, shall establish performance goals for evaluating the efforts of Federal agencies in improving the maintenance, purchase, and use of energy-efficient and energy-saving information technology systems.

''(B) BEST PRACTICES.—The Chief Information Officers Council established under section 3603 of title 44, United States Code, shall supplement the performance goals established under this paragraph with recommendations on best practices for the attainment of the performance goals, to include a requirement for agencies to consider the use of—

''(i) energy savings performance contracting; and

''(ii) utility energy services contracting.

''(5) REPORTS.—

''(A) AGENCY REPORTS.—Each Federal agency subject to the requirements of this subsection shall include in the report of the agency under section 527 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17143) a description of the efforts and results of the agency under this subsection.

''(B) OMB GOVERNMENT EFFICIENCY REPORTS AND SCORECARDS.—Effective beginning not later than October 1, 2014, the Director shall include in the annual report and scorecard of the Director required under section 528 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17144) a description of the efforts and results of Federal agencies under this subsection.

''(C) USE OF EXISTING REPORTING STRUCTURES.—The Director may require Federal agencies to submit any information required to be submitted under this subsection though reporting structures in use as of the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2013.''.

On page 47, between lines 15 and 16, insert the following:

SEC. 304. ENERGY EFFICIENT DATA CENTERS.

Section 453 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17112) is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Not later than 30 days after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2013, the Secretary and the Administrator shall—

''(A) designate an established information technology industry organization to coordinate the program described in subsection (b); and

''(B) make the designation public, including on an appropriate website.'';

(2) by striking subsections (e) and (f) and inserting the following:

''(e) STUDY.—The Secretary, with assistance from the Administrator, shall—

''(1) not later than December 31, 2014, make available to the public an update to the Report to Congress on Server and Data Center Energy Efficiency published on August 2, 2007, under section 1 of Public Law 109–431 (120 Stat. 2920), that provides—

''(A) a comparison and gap analysis of the estimates and projections contained in the original report with new data regarding the period from 2007 through 2013;

''(B) an analysis considering the impact of information technologies, to include virtualization and cloud computing, in the public and private sectors; and

''(C) updated projections and recommendations for best practices through fiscal year 2020; and

''(2) collaborate with the organization designated under subsection (c) in preparing the report.

''(f) DATA CENTER ENERGY PRACTITIONER PROGRAM.—

''(1) IN GENERAL.—The Secretary, in collaboration with the organization designated under subsection (c) and in consultation with the Administrator for the Office of E-Government and Information Technology within the Office of Management and Budget, shall maintain a data center energy practitioner program that leads to the certification of energy practitioners qualified to evaluate the energy usage and efficiency opportunities in data centers.

''(2) EVALUATIONS.—Each Federal agency shall consider having the data centers of the agency evaluated every 4 years by energy practitioners certified pursuant to the program, whenever practicable using certified practitioners employed by the agency.'';

(3) by redesignating subsection (g) as subsection (j); and

(4) by inserting after subsection (f) the following:

''(g) OPEN DATA INITIATIVE.—

''(1) IN GENERAL.—The Secretary, in collaboration with the organization designated under subsection (c) and in consultation with the Administrator for the Office of E-Government and Information Technology within the Office of Management and Budget, shall establish an open data initiative for Federal data center energy usage data, with the purpose of making the data available and accessible in a manner that empowers further data center optimization and consolidation.

''(2) ADMINISTRATION.—In establishing the initiative, the Secretary shall consider use of the online Data Center Maturity Model.

''(h) INTERNATIONAL SPECIFICATIONS AND METRICS.—The Secretary, in collaboration with the organization designated under subsection (c), shall actively participate in efforts to harmonize global specifications and metrics for data center energy efficiency.

''(i) DATA CENTER UTILIZATION METRIC.—The Secretary, in collaboration with the organization designated under subsection (c), shall assist in the development of an efficiency metric that measures the energy efficiency of the overall data center.''.

SA 1934. Mr. FLAKE (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DELAY IN APPLICATION OF PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) ONE-YEAR DELAY IN PPACA PROVISIONS SCHEDULED TO TAKE EFFECT ON OR AFTER JANUARY 1, 2014.—Notwithstanding any other provision of law, any provision of (including any amendment made by) the Patient Protection and Affordable Care Act (Public Law 111–148) or of title I or subtitle B of title II of the Health Care and Education Reconciliation Act of 2011 (Public Law 111–152) that is otherwise scheduled to take effect on or after January 1, 2014, shall not take effect until the date that is one year after the date on which such provision would otherwise have been scheduled to take effect.

(b) ONE-YEAR SUSPENSION OF CERTAIN TAX INCREASES ALREADY IN EFFECT.—Notwithstanding any other provision of law, in the case of any tax which is imposed or increased by any provision of (including any amendment made by) the Patient Protection and Affordable Care Act (Public Law 111–148) or of title I or subtitle B of title II of the Health Care and Education Reconciliation Act of 2011 (Public Law 111–152), if such tax or increase takes effect before January 1, 2014, such tax or increase shall not apply during the 1-year period beginning on such date.

SA 1935. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 16 and 17, insert the following:

SEC. 4__. REGIONAL HAZE.

Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall not consider any element of a proposed better-than Best Available Retrofit Technology (''BART'') alternative to a Federal regional haze implementation plan under the regional haze regulations of the Environmental Protection Agency described in section 51.308 of title 40, Code of Federal Regulations (or successor regulations) that is not substantially and directly related to the regulation of regional haze.

SA 1936. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 16 and 17, insert the following:

SEC. 4__. ENERGY-RELATED AGREEMENTS THAT IMPACT INDIAN TRIBES.

The Secretary of the Interior, the Secretary of Energy, and the Administrator of the Environmental Protection Agency shall not enter into any agreement under this Act or the Clean Air Act (42 U.S.C. 7401 et seq.) that directly affects an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) or the trust assets of an Indian tribe without first consulting the affected Indian tribe.

SA 1937. Mr. FLAKE (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 37, strike line 1 and all that follows through page 44, line 23.

SA 1938. Mr. FLAKE (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, lines 23 through 25, strike ''Not later than 2 years after the date on which a model building energy code is updated, each'' and insert ''If a State of Indian tribe has submitted written notification to the Secretary that the State or Indian tribe has decided to participate in the program under this section, not later than 2 years after the date on which a model building energy code is updated, each participating''.

SA 1939. Mr. FLAKE (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

SEC. 4 __. OFFSETS FOR INCREASED COSTS TO FEDERAL AGENCIES FOR REGULATIONS LIMITING GREENHOUSE GAS EMISSIONS.

(a) IN GENERAL.—If the Administrator of the Environmental Protection Agency proposes a rule that limits greenhouse gas emissions and imposes increased costs on 1 or more other Federal agencies, the Administrator shall include in the proposed rule an offset from funds available to the Administrator for all projected increased costs that the proposed rule would impose on other Federal agencies.

(b) NO OFFSETS.—If the Administrator proposes a rule that limits greenhouse gas emissions and imposes increased costs on 1 or more other Federal agencies but does not provide an offset in accordance with paragraph (1), the Administrator may not finalize the rule until the promulgation of the final rule is approved by law.

SA 1940. Ms. KLOBUCHAR (for herself, Mr. HOEVEN, and Ms. STABENOW) submitted an amendment intended to be proposed by her to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, after line 16, add the following:

SEC. 4____. ENERGY EFFICIENCY RETROFIT PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) APPLICANT.—The term ''applicant'' means a nonprofit organization that applies for a grant under this section.

(2) ENERGY-EFFICIENCY IMPROVEMENT.—

(A) IN GENERAL.—The term ''energy-efficiency improvement'' means an installed measure (including a product, equipment, system, service, or practice) that results in a reduction in use by a nonprofit organization for energy or fuel supplied from outside the nonprofit building.

(B) INCLUSIONS.—The term ''energy-efficiency improvement'' includes an installed measure described in subparagraph (A) involving—

(i) repairing, replacing, or installing—

(I) a roof or lighting system, or component of a roof or lighting system;

(II) a window;

(III) a door, including a security door; or

(IV) a heating, ventilation, or air conditioning system or component of the system (including insulation and wiring and plumbing improvements needed to serve a more efficient system);

(ii) a renewable energy generation or heating system, including a solar, photovoltaic, wind, geothermal, or biomass (including wood pellet) system or component of the system; and

(iii) any other measure taken to modernize, renovate, or repair a nonprofit building to make the nonprofit building more energy efficient.

(3) NONPROFIT BUILDING.—

(A) IN GENERAL.—The term ''nonprofit building'' means a building operated and owned by a nonprofit organization.

(B) INCLUSIONS.—The term ''nonprofit building'' includes a building described in subparagraph (A) that is—

(i) a hospital;

(ii) a youth center;

(iii) a school;

(iv) a social-welfare program facility;

(v) a faith-based organization; and

(vi) any other nonresidential and noncommercial structure.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a pilot program to award grants for the purpose of retrofitting nonprofit buildings with energy-efficiency improvements.

(c) GRANTS.—

(1) IN GENERAL.—The Secretary may award grants under the program established under subsection (b).

(2) APPLICATION.—The Secretary may award a grant under this section if an applicant submits to the Secretary an application at such time, in such form, and containing such information as the Secretary may prescribe.

(3) CRITERIA FOR GRANT.—In determining whether to award a grant under this section, the Secretary shall apply performance-based criteria, which shall give priority to applications based on—

(A) the energy savings achieved;

(B) the cost-effectiveness of the energy-efficiency improvement;

(C) an effective plan for evaluation, measurement, and verification of energy savings;

(D) the financial need of the applicant; and

(E) the percentage of the matching contribution by the applicant.

(4) LIMITATION ON INDIVIDUAL GRANT AMOUNT.—Each grant awarded under this section shall not exceed—

(A) an amount equal to 50 percent of the energy-efficiency improvement; and

(B) $200,000.

(5) COST SHARING.—

(A) IN GENERAL.—A grant awarded under this section shall be subject to a minimum non-Federal cost-sharing requirement of 50 percent.

(B) IN-KIND CONTRIBUTIONS.—The non-Federal share may be provided in the form of in-kind contributions of materials or services.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2014 through 2018, to remain available until expended.

(e) OFFSET.—Section 942(f) of the Energy Policy Act of 2005 (42 U.S.C. 16251(f)) is amended by striking ''$250,000,000'' and inserting ''$200,000,000''.

SA 1941. Mr. FRANKEN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

Subtitle E—Technical Assistance Program

SEC. 241. SHORT TITLE.

This title may be cited as the ''Local Energy Supply and Resiliency Act of 2013''.

SEC. 242. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) a quantity of energy that is more than—

(A) 27 percent of the total energy consumption in the United States is released from power plants in the form of waste heat; and

(B) 36 percent of the total energy consumption in the United States is released from power plants, industrial facilities, and other buildings in the form of waste heat;

(2) waste heat can be—

(A) recovered and distributed to meet building heating or industrial process heating requirements;

(B) converted to chilled water for air conditioning or industrial process cooling; or

(C) converted to electricity;

(3) renewable energy resources in communities in the United States can be used to meet local thermal and electric energy requirements;

(4) use of local energy resources and implementation of local energy infrastructure can strengthen the reliability and resiliency of energy supplies in the United States in response to extreme weather events, power grid failures, or interruptions in the supply of fossil fuels;

(5) use of local waste heat and renewable energy resources—

(A) strengthens United States industrial competitiveness;

(B) helps reduce reliance on fossil fuels and the associated emissions of air pollution and carbon dioxide;

(C) increases energy supply resiliency and security; and

(D) keeps more energy dollars in local economies, thereby creating jobs;

(6) district energy systems represent a key opportunity to tap waste heat and renewable energy resources;

(7) district energy systems are important for expanding implementation of combined heat and power systems because district energy systems provide infrastructure for delivering thermal energy from a CHP system to a substantial base of end users;

(8) district energy systems serve institutions of higher education, hospitals, airports, military bases, and downtown areas;

(9) district energy systems help cut peak power demand and reduce power transmission and distribution system constraints by—

(A) shifting power demand through thermal storage;

(B) generating power near load centers with a CHP system; and

(C) meeting air conditioning demand through the delivery of chilled water produced with heat generated by a CHP system or other energy sources;

(10) evaluation and implementation of district energy systems—

(A) is a complex undertaking involving a variety of technical, economic, legal, and institutional issues and barriers; and

(B) often requires technical assistance to successfully navigate those barriers; and

(11) a major constraint to the use of local waste heat and renewable energy resources is a lack of low-interest, long-term capital funding for implementation.

(b) PURPOSES.—The purposes of this title are—

(1) to encourage the use and distribution of waste heat and renewable thermal energy—

(A) to reduce fossil fuel consumption;

(B) to enhance energy supply resiliency, reliability, and security;

(C) to reduce air pollution and greenhouse gas emissions;

(D) to strengthen industrial competitiveness; and

(E) to retain more energy dollars in local economies; and

(2) to facilitate the implementation of a local energy infrastructure that accomplishes the goals described in paragraph (1) by—

(A) providing technical assistance to evaluate, design, and develop projects to build local energy infrastructure; and

(B) facilitating low-cost financing for the construction of local energy infrastructure though the issuance of loan guarantees.

SEC. 243. DEFINITIONS.

In this title:

(1) COMBINED HEAT AND POWER SYSTEM.—The term ''combined heat and power system'' or ''CHP system'' means generation of electric energy and heat in a single, integrated system that meets the efficiency criteria in clauses (ii) and (iii) of section 48(c)(3)(A) of the Internal Revenue Code of 1986, under which heat that is conventionally rejected is recovered and used to meet thermal energy requirements.

(2) DEMAND RESPONSE.—The term ''demand response'' means a change in electricity use by an electric utility customer, as measured against the usual consumption pattern of the consumer, in response to—

(A) a change in the price of electricity during a given period of time; or

(B) an incentive payment designed to induce lower electricity use when—

(i) wholesale market prices are high; or

(ii) system reliability is jeopardized.

(3) DISTRICT ENERGY SYSTEM.—The term ''district energy system'' means a system that provides thermal energy to buildings and other energy consumers from 1 or more plants to individual buildings to provide space heating, air conditioning, domestic hot water, industrial process energy, and other end uses.

(4) LOCAL ENERGY INFRASTRUCTURE.—The term ''local energy infrastructure'' means a system that—

(A) recovers or produces useful thermal or electric energy from waste energy or renewable energy resources;

(B) generates electricity using a combined heat and power system;

(C) distributes electricity in microgrids;

(D) stores thermal energy; or

(E) distributes thermal energy or transfers thermal energy to building heating and cooling systems via a district energy system.

(5) MICROGRID.—The term ''microgrid'' means a group of interconnected loads and distributed energy resources within clearly defined electrical boundaries that—

(A) acts as a single controllable entity with respect to the grid; and

(B) can connect and disconnect from the grid to enable the microgrid to operate in both grid-connected or island-mode.

(6) RENEWABLE ENERGY RESOURCE.—The term ''renewable energy resource'' means —

(A) closed-loop and open-loop biomass (as defined in paragraphs (2) and (3), respectively, of section 45(c) of the Internal Revenue Code of 1986);

(B) gaseous or liquid fuels produced from the materials described in subparagraph (A);

(C) geothermal energy (as defined in section 45(c)(4) of such Code);

(D) municipal solid waste (as defined in section 45(c)(6) of such Code); or

(E) solar energy (which is used, undefined, in section 45 of such Code).

(7) RENEWABLE THERMAL ENERGY.—The term ''renewable thermal energy'' means—

(A) heating or cooling energy derived from a renewable energy resource;

(B) natural sources of cooling such as cold lake or ocean water; or

(C) other renewable thermal energy sources, as determined by the Secretary.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(9) THERMAL ENERGY.—The term ''thermal energy'' means—

(A) heating energy in the form of hot water or steam that is used to provide space heating, domestic hot water, or process heat; or

(B) cooling energy in the form of chilled water, ice or other media that is used to provide air conditioning, or process cooling.

(10) WASTE ENERGY.—The term ''waste energy'' means energy that—

(A) is contained in—

(i) exhaust gas, exhaust steam, condenser water, jacket cooling heat, or lubricating oil in power generation systems;

(ii) exhaust heat, hot liquids, or flared gas from any industrial process;

(iii) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented;

(iv) a pressure drop in any gas, excluding any pressure drop to a condenser that subsequently vents the resulting heat;

(v) condenser water from chilled water or refrigeration plants; or

(vi) any other form of waste energy, as determined by the Secretary; and

(B)(i) in the case of an existing facility, is not being used; or

(ii) in the case of a new facility, is not conventionally used in comparable systems.

SEC. 244. TECHNICAL ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a program to disseminate information and provide technical assistance, directly through the establishment of 1 or more clean energy application centers or through grants so that recipients may contract to obtain technical assistance, to assist eligible entities in identifying, evaluating, planning, and designing local energy infrastructure.

(2) TECHNICAL ASSISTANCE.—The technical assistance under paragraph (1) shall include assistance with 1 or more of the following:

(A) Identification of opportunities to use waste energy or renewable energy resources.

(B) Assessment of technical and economic characteristics.

(C) Utility interconnection.

(D) Negotiation of power and fuel contracts, including assessment of the value of demand response capabilities.

(E) Permitting and siting issues.

(F) Marketing and contract negotiations.

(G) Business planning and financial analysis.

(H) Engineering design.

(3) INFORMATION DISSEMINATION.—The information disseminated under paragraph (1) shall include—

(A) information relating to the topics identified in paragraph (2), including case studies of successful examples; and

(B) computer software for assessment, design, and operation and maintenance of local energy infrastructure.

(b) ELIGIBLE ENTITY.—Any nonprofit or for-profit entity shall be eligible to receive assistance under the program established under subsection (a).

(c) ELIGIBLE COSTS.—On application by an eligible entity, the Secretary may award a grant to the eligible entity to provide amounts to cover not more than—

(1) 100 percent of the cost of initial assessment to identify local energy opportunities;

(2) 75 percent of the cost of feasibility studies to assess the potential for the implementation of local energy infrastructure;

(3) 60 percent of the cost of guidance on overcoming barriers to the implementation of local energy infrastructure, including financial, contracting, siting, and permitting issues; and

(4) 45 percent of the cost of detailed engineering of local energy infrastructure.

(d) APPLICATIONS.—

(1) IN GENERAL.—An eligible entity desiring technical assistance under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require under the rules and procedures adopted under subsection (f).

(2) APPLICATION PROCESS.—The Secretary shall solicit applications for technical assistance under this section—

(A) on a competitive basis; and

(B) on a periodic basis, but not less frequently than once every 12 months.

(e) PRIORITIES.—In evaluating projects, the Secretary shall give priority to projects that have the greatest potential for—

(1) maximizing elimination of fossil fuel use;

(2) strengthening the reliability of local energy supplies and boosting the resiliency of energy infrastructure to the impact of extreme weather events, power grid failures, and interruptions in supply of fossil fuels;

(3) minimizing environmental impact, including regulated air pollutants, greenhouse gas emissions, and use of ozone-depleting refrigerants;

(4) facilitating use of renewable energy resources;

(5) increasing industrial competitiveness; and

(6) maximizing local job creation.

(f) RULES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall adopt rules and procedures for the administration of the program established under this section, consistent with the provisions of this title.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for the period of fiscal years 2014 through 2018, to remain available until expended.

SEC. 245. LOAN GUARANTEES FOR LOCAL ENERGY INFRASTRUCTURE.

(a) ASSURANCE OF REPAYMENT.—Section 1702(d) of the Energy Policy Act of 2005 (42 U.S.C. 16512(d)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(2) by inserting after paragraph (1) the following:

''(2) LOCAL ENERGY INFRASTRUCTURE DOCUMENTATION.—No guarantee shall be made for local energy infrastructure unless the borrower submits to the Secretary—

''(A) an independent engineering report, prepared by an engineer with experience in the industry and familiarity with similar projects, that includes detailed information on—

''(i) how the technology to be employed in the project is a proven, commercial technology;

''(ii) project siting;

''(iii) engineering and design;

''(iv) permitting and environmental compliance;

''(v) testing and commissioning; and

''(vi) operations and maintenance;

''(B) a detailed description of the overall financial plan for the proposed project, including all sources and uses of funding, equity and debt, and the liability of parties associated with the project over the term of the guarantee agreement;

''(C) all applicable financial statements of the borrower and any non-Federal parties providing financial assistance to the borrower, which shall have been audited by an independent certified public accountant;

''(D) the business plan on which the project is based and a financial model presenting project pro forma statements for the proposed term of the guarantee, including income statements, balance sheets, and cash flows;

''(E) a copy of any power purchase agreement, thermal energy purchase agreement, and other long-term offtake or revenue-generating agreement that will be the primary source of revenue for the project, including repayment of the debt obligations for which a guarantee is sought; and

''(F) a list of each engineering and design contractor, construction contractor, and equipment supplier for the project, as well as any performance guarantee, performance bond, liquidated damages provision, and equipment warranty to be provided.''.

(b) ELIGIBLE PROJECTS.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended—

(1) in subsection (b), by adding at the end the following:

''(11) Local energy infrastructure, as defined in section 243 of the Local Energy Supply and Resiliency Act of 2013.''; and

(2) by adding at the end the following:

''(f) SPECIAL RULES FOR LOCAL ENERGY INFRASTRUCTURE.—

''(1) IN GENERAL.—Subsection (a)(2) shall not apply to a project described in subsection (b)(11).

''(2) REQUIREMENTS FOR LOAN GUARANTEE.—A loan guarantee shall only be made available for a project described in subsection (b)(11) to the extent specifically provided for in advance by an appropriations Act enacted after the date of enactment of the Local Energy Supply and Resiliency Act of 2013.''.

SEC. 246. DEFINITION OF INVESTMENT AREA.

Section 103(16) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(16)) is amended—

(1) in subparagraph (A)(ii), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) has the potential for implementation of local energy infrastructure (as defined in section 243 of the Local Energy Supply and Resiliency Act of 2013).''.

SEC. 247. STATE ENERGY CONSERVATION PLANS.

Section 362(d) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)) is amended—

(1) in paragraph (16), by striking ''and'' at the end;

(2) by redesignating paragraph (17) as paragraph (18); and

(3) by inserting after paragraph (16) the following:

''(17) programs to support the evaluation and implementation of local energy infrastructure (as defined in section 243 of the Local Energy Supply and Resiliency Act of 2013).''.

Beginning on page 47, strike line 24 and all that follows through page 48, line 2, and insert the following:

''(4) $200,000,000 for fiscal year 2013;

''(5) $180,000,000 for fiscal year 2014;

''(6) $130,000,000 for fiscal year 2015; and

''(7) $80,000,000 for each of fiscal years 2016 through 2018.''.

SA 1942. Mr. MANCHIN (for himself, Mr. VITTER, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

SEC. 4___. PERMITS FOR DREDGED OR FILL MATERIAL.

(a) IN GENERAL.—Section 404(c) of the Federal Water Pollution Control Act (33 U.S.C. 1344(c)) is amended in the first sentence by striking ''The Administrator'' and inserting ''Until such time as a permit under this section has been issued by the Secretary, the Administrator''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 18, 1972.

SA 1943. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, after line 16, add the following:

TITLE V—CLEAN WATER COOPERATIVE FEDERALISM

SECTION 501. SHORT TITLE.

This title may be cited as the ''Clean Water Cooperative Federalism Act of 2013''.

SEC. 502. STATE WATER QUALITY STANDARDS.

(a) STATE WATER QUALITY STANDARDS.—Section 303(c)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking ''(4)'' and inserting ''(4)(A)'';

(3) by striking ''The Administrator shall promulgate'' and inserting the following:

''(B) The Administrator shall promulgate''; and

(4) by adding at the end the following:

''(C) Notwithstanding subparagraph (A)(ii), the Administrator may not promulgate a revised or new standard for a pollutant in any case in which the State has submitted to the Administrator and the Administrator has approved a water quality standard for that pollutant, unless the State concurs with the Administrator's determination that the revised or new standard is necessary to meet the requirements of this Act.''.

(b) FEDERAL LICENSES AND PERMITS.—Section 401(a) of such Act (33 U.S.C. 1341(a)) is amended by adding at the end the following:

''(7) With respect to any discharge, if a State or interstate agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate determines under paragraph (1) that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307, the Administrator may not take any action to supersede the determination.''.

(c) STATE NPDES PERMIT PROGRAMS.—Section 402(c) of such Act (42 U.S.C. 1342(c)) is amended by adding at the end the following:

''(5) LIMITATION ON AUTHORITY OF ADMINISTRATOR TO WITHDRAW APPROVAL OF STATE PROGRAMS.—The Administrator may not withdraw approval of a State program under paragraph (3) or (4), or limit Federal financial assistance for the State program, on the basis that the Administrator disagrees with the State regarding—

''(A) the implementation of any water quality standard that has been adopted by the State and approved by the Administrator under section 303(c); or

''(B) the implementation of any Federal guidance that directs the interpretation of the State's water quality standards.''.

(d) LIMITATION ON AUTHORITY OF ADMINISTRATOR TO OBJECT TO INDIVIDUAL PERMITS.—Section 402(d) of such Act (33 U.S.C. 1342(d)) is amended by adding at the end the following:

''(5) The Administrator may not object under paragraph (2) to the issuance of a permit by a State on the basis of—

''(A) the Administrator's interpretation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c); or

''(B) the implementation of any Federal guidance that directs the interpretation of the State's water quality standards.''.

SEC. 503. PERMITS FOR DREDGED OR FILL MATERIAL.

(a) AUTHORITY OF EPA ADMINISTRATOR.—Section 404(c) of the Federal Water Pollution Control Act (33 U.S.C. 1344(c)) is amended—

(1) by striking ''(c)'' and inserting ''(c)(1)''; and

(2) by adding at the end the following:

''(2) Paragraph (1) shall not apply to any permit if the State in which the discharge originates or will originate does not concur with the Administrator's determination that the discharge will result in an unacceptable adverse effect as described in paragraph (1).''.

(b) STATE PERMIT PROGRAMS.—The first sentence of section 404(g)(1) of such Act (33 U.S.C. 1344(g)(1)) is amended by striking ''The Governor of any State desiring to administer its own individual and general permit program for the discharge'' and inserting ''The Governor of any State desiring to administer its own individual and general permit program for some or all of the discharges''.

SEC. 504. DEADLINES FOR AGENCY COMMENTS.

Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended—

(1) in subsection (m) by striking ''ninetieth day'' and inserting ''30th day (or the 60th day if additional time is requested)''; and

(2) in subsection (q)—

(A) by striking ''(q)'' and inserting ''(q)(1)''; and

(B) by adding at the end the following:

''(2) The Administrator and the head of a department or agency referred to in paragraph (1) shall each submit any comments with respect to an application for a permit under subsection (a) or (e) not later than the 30th day (or the 60th day if additional time is requested) after the date of receipt of an application for a permit under that subsection.''.

SEC. 505. APPLICABILITY OF AMENDMENTS.

The amendments made by this title shall apply to actions taken on or after the date of enactment of this Act, including actions taken with respect to permit applications that are pending or revised or new standards that are being promulgated as of such date of enactment.

SEC. 506. REPORTING ON HARMFUL POLLUTANTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator of the Environmental Protection Agency shall submit to Congress a report on any increase or reduction in waterborne pathogenic microorganisms (including protozoa, viruses, bacteria, and parasites), toxic chemicals, or toxic metals (such as lead and mercury) in waters regulated by a State under the provisions of this title, including the amendments made by this title.

SEC. 507. PIPELINES CROSSING STREAMBEDS.

None of the provisions of this title, including the amendments made by this title, shall be construed to limit the authority of the Administrator of the Environmental Protection Agency, as in effect on the day before the date of enactment of this Act, to regulate a pipeline that crosses a streambed.

SEC. 508. IMPACTS OF EPA REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY.

(a) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on employment levels and economic activity, including estimated job losses and decreased economic activity.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall utilize the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31st of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Environmental Protection Agency; and

(B) request that the Governor of any State experiencing more than a de minimis negative impact post such analysis in the Capitol of such State.

(b) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days prior to the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—A public hearing required under paragraph (1) shall be held at a convenient time and location for impacted residents. In selecting a location for such a public hearing, the Administrator shall give priority to locations in the State that will experience the greatest number of job losses.

(c) NOTIFICATION.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in any State, the Administrator shall give notice of such impact to the State's Congressional delegation, Governor, and Legislature at least 45 days before the effective date of the covered action.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COVERED ACTION.—The term ''covered action'' means any of the following actions taken by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1201 et seq.):

(A) Issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(3) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term ''more than a de minimis negative impact'' means the following:

(A) With respect to employment levels, a loss of more than 100 jobs. Any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment may not be used in the job loss calculation.

(B) With respect to economic activity, a decrease in economic activity of more than $1,000,000 over any calendar year. Any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

SA 1944. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

SEC. 4___. ENERGY INDEPENDENCE INVESTMENT.

(a) FINDINGS.—Congress finds that—

(1) for the last 5 years, the Department of Energy has had $8,000,000,000 available for loan guarantees for advanced fossil energy projects, but in the 5 years that the funding has been available, the Department of Energy has not approved any projects;

(2) advanced fossil energy technologies will increase energy efficiency and result in less wasted energy in the United States; and

(3) advanced fossil energy technologies will result in dramatic reductions in greenhouse gas and other emissions.

(b) PROJECTS AUTHORIZED.—Notwithstanding any other provision of law, not later than 1 year after the date of enactment of this Act, the Secretary shall give final approval to applications for loan guarantees totaling $2,000,000,0000 for advanced fossil energy projects.

SA 1945. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

SEC. 4___. STUDY ON REDUCTIONS OF CARBON DIOXIDE EMISSIONS IN ELECTRIC GENERATING SECTOR.

(a) FINDINGS.—Congress finds that—

(1) electric generating units were the top source category of greenhouse gas emissions in the United States in calendar year 2011, accounting for approximately 33 percent of the total greenhouse gas emitted in the United States;

(2) in calendar year 2011, carbon dioxide equivalent emissions attributable to the electric generating sector declined by 4.5 percent from calendar year 2010 emissions levels;

(3) significant changes in the number, fuel source, and efficiency of electric generating units have occurred in recent years and are expected to continue to occur as a result of various factors, including—

(A) the major capital expenditures and operating expenses that would be incurred to meet new environmental regulations that the Environmental Protection Agency or individual States have recently adopted or are currently developing;

(B) the current low price of natural gas; and

(C) Federal and State programs to improve energy efficiency and deploy low- or zero-emitting generating technologies; and

(4) carbon dioxide emissions attributable to electric generating units can be expected to continue to decline significantly because existing units will be converted to or replaced by more highly efficient coal-fired and natural gas-fired generation or zero-emitting nuclear, renewable power generation, and energy efficiency gains.

(b) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Energy Information Administration shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the changes that have occurred and will occur in the electric generating sector that have resulted in reductions in carbon dioxide emissions, including the annual capacity by fuel type and the quantity of carbon dioxide emissions reductions that are expected to result from the changes, as described in subsection (c).

(c) CONTENT OF REPORT.—The report required under subsection (b) shall—

(1) quantify carbon dioxide emissions on an annual and cumulative basis from electric generating units in the United States and (using a calendar year 2005 baseline) calculate the annual and cumulative reduction in carbon dioxide emissions in each of calendar years 2005 through 2020 that is attributable to the—

(A) changes in the composition of the electric generating fleet that—

(i) has occurred since calendar year 2005 for whatever reason; and

(ii) are expected to occur by calendar year 2020, as determined by the Energy Information Administration based on—

(I) the consultation process described in subsection (d);

(II) a review of Federal and State laws (including regulations) or other requirements for the addition of renewable resources, incorporation of energy efficiency improvements, and other measures that have the effect of reducing carbon dioxide and other greenhouse gas emissions in the electricity generating sector; and

(III) comprehensive economic modeling of the electric power sector, as developed by the Energy Information Administration; and

(B) other changes in operation of the existing electric generating fleet in the United States due to any Federal or State environmental regulations, renewable energy initiatives, or market conditions;

(2) compare the average generation efficiency, expressed in terms of carbon dioxide emissions per megawatt hour, that the electric generating fleet in the United States (including all emitting and nonemitting energy resources) achieved in calendar years 2005 and 2010 to the average generation efficiency projected to be achieved in calendar year 2020; and

(3) quantify the total quantity of megawatt hours that are generated in the United States by each fuel type on an annual basis for each of calendar years 2005 through 2020.

(d) CONSULTATION PROCESS.—

(1) IN GENERAL.—To identify changes in the number and fuel type of electric generating units that have occurred since calendar year 2005 or are expected to occur prior to calendar year 2020, the Energy Information Administration shall consult on an individual basis with the owners and operators of electric generating units regarding the announced plans or legal obligations of the units.

(2) LONG-TERM REDUCTIONS.—If, during the consultation process, the Energy Information Administration identifies units with announced plans or legal obligations that will result in carbon dioxide emissions reduction after calendar year 2020, the units and associated emission reductions shall be identified in the report.

SA 1946. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, between lines 12 and 13, insert the following:

''(C) an outreach program based at each of the industrial research and assessment centers that would—

''(i) deploy liaisons to identify industry needs and connect manufacturers with resources available under this subsection;

''(ii) ensure that the liaisons have experience working with the manufacturing industry the liaisons serve; and

''(iii) ensure that the industrial research and assessment centers and entities described in paragraph (2) make comprehensive information about the program available to the liaisons for distribution to manufacturers; and

''(D) evaluation of outreach activities and coordination activities under this subsection to identify—

''(i) emerging needs;

''(ii) best practices; and

''(iii) opportunities to streamline duplicative efforts.

SA 1947. Ms. WARREN (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, after line 24, insert the following:

(c) STUDY AND REPORT ON ENERGY SAVINGS BENEFITS OF OPERATIONAL EFFICIENCY PROGRAMS AND SERVICES.—

(1) DEFINITION OF OPERATIONAL EFFICIENCY PROGRAMS AND SERVICES.—In this subsection, the term ''operational efficiency programs and services'' means programs and services that use information and communications technologies (including computer hardware, energy efficiency software, and power management tools) to operate buildings and equipment in the optimum manner at the optimum times.

(2) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct a study and issue a report that quantifies the energy savings benefits of operational efficiency programs and services for commercial, institutional, industrial, and governmental entities, including Federal agencies.

(3) MEASUREMENT AND VERIFICATION OF ENERGY SAVINGS.—The report required under this subsection shall recommend methodologies or protocols for utilities, utility regulators, and Federal agencies to evaluate, measure, and verify energy savings from operational efficiency programs and services.

SA 1948. Mr. UDALL of Colorado (for himself and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 47, strike line 17 and all that follows through page 48, line 2, and insert the following:

SEC. 4_____. CONSUMER ACCESS TO ELECTRIC ENERGY INFORMATION.

(a) IN GENERAL.—The Secretary shall encourage and support the adoption of policies that allow electricity consumers access to their own electricity data.

(b) ELIGIBILITY FOR STATE ENERGY PLANS.—Section 362(d) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)) is amended—

(1) in paragraph (16), by striking ''and'' after the semicolon at the end;

(2) by redesignating paragraph (17) as paragraph (18); and

(3) by inserting after paragraph (16) the following:

''(17) programs—

''(A) to enhance consumer access to and understanding of energy usage and price information, including consumers' own residential and commercial electricity information; and

''(B) to allow for the development and adoption of innovative products and services to assist consumers in managing energy consumption and expenditures; and''.

(c) VOLUNTARY GUIDELINES FOR ELECTRIC CONSUMER ACCESS.—

(1) DEFINITIONS.—In this subsection:

(A) RETAIL ELECTRIC ENERGY INFORMATION.—The term ''retail electric energy information'' means—

(i) the electric energy consumption of an electric consumer over a defined time period;

(ii) the retail electric energy prices or rates applied to the electricity usage for the defined time period described in clause (i) for the electric consumer;

(iii) the estimated cost of service by the consumer, including (if smart meter usage information is available) the estimated cost of service since the last billing cycle of the consumer; and

(iv) in the case of nonresidential electric meters, any other electrical information that the meter is programmed to record (such as demand measured in kilowatts, voltage, frequency, current, and power factor).

(B) SMART METER.—The term ''smart meter'' means the device used by an electric utility that—

(i)(I) measures electric energy consumption by an electric consumer at the home or facility of the electric consumer in intervals of 1 hour or less; and

(II) is capable of sending electric energy usage information through a communications network to the electric utility; or

(ii) meets the guidelines issued under paragraph (2).

(2) VOLUNTARY GUIDELINES FOR ELECTRIC CONSUMER ACCESS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, subject to subparagraph (B), the Secretary shall issue voluntary guidelines that establish model standards for implementation of retail electric energy information access in States.

(B) CONSULTATION.—Before issuing the voluntary guidelines, the Secretary shall—

(i) consult with—

(I) State and local regulatory authorities, including the National Association of Regulatory Utility Commissioners;

(II) other appropriate Federal agencies, including the National Institute of Standards and Technology;

(III) consumer and privacy advocacy groups;

(IV) utilities;

(V) the National Association of State Energy Officials; and

(VI) other appropriate entities, including groups representing commercial and residential building owners and groups that represent demand response and electricity data devices and services; and

(ii) provide notice and opportunity for comment.

(C) STATE AND LOCAL REGULATORY ACTION.—In issuing the voluntary guidelines, the Secretary shall, to the maximum extent practicable, be guided by actions taken by State and local regulatory authorities to ensure electric consumer access to retail electric energy information, including actions taken after consideration of the standard established under section 111(d)(17) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)(17)).

(D) CONTENTS.—

(i) IN GENERAL.—The voluntary guidelines shall provide guidance on issues necessary to carry out this subsection, including—

(I) the timeliness and specificity of retail electric energy information;

(II) appropriate nationally recognized open standards for data;

(III) the protection of data security and electric consumer privacy, including consumer consent requirements; and

(IV) issues relating to access of electric energy information for owners and managers of multitenant commercial and residential buildings.

(ii) INCLUSIONS.—The voluntary guidelines shall include guidance that—

(I) retail electric energy information should be made available to electric consumers (and third party designees of the electric consumers) in the United States—

(aa) in an electronic machine readable form, without additional charge, in conformity with nationally recognized open standards developed by a nationally recognized standards organization;

(bb) as timely as is reasonably practicable;

(cc) at the level of specificity that the data is transmitted by the meter or as is reasonably practicable; and

(dd) in a manner that provides adequate protections for the security of the information and the privacy of the electric consumer;

(II) in the case of an electric consumer that is served by a smart meter that can also communicate energy usage information to a device or network of an electric consumer or a device or network of a third party authorized by the consumer, the feasibility should be considered of providing to the consumer or third party designee, at a minimum, access to usage information (not including price information) of the consumer directly from the smart meter;

(III) retail electric energy information should be provided by the electric utility of the consumer or such other entity as may be designated by the applicable electric retail regulatory authority;

(IV) retail electric energy information of the consumer should be made available to the consumer through a website or other electronic access authorized by the electric consumer, for a period of at least 13 months after the date on which the usage occurred;

(V) consumer access to data, including data provided to owners and managers of commercial and multifamily buildings with multiple tenants, should not interfere with or compromise the integrity, security, or privacy of the operations of a utility and the electric consumer;

(VI) electric energy information relating to usage information generated by devices in or on the property of the consumer that is transmitted to the electric utility should be made available to the electric consumer or the third party agent designated by the electric consumer; and

(VII) the same privacy and security requirements applicable to the contracting utility should apply to third party agents contracting with a utility to process the customer data of that utility.

(E) REVISIONS.—The Secretary shall periodically review and, as necessary, revise the voluntary guidelines to reflect changes in technology, privacy needs, and the market for electric energy and services.

(d) VERIFICATION AND IMPLEMENTATION.—

(1) IN GENERAL.—A State may submit to the Secretary a description of the data sharing policies of the State relating to consumer access to electric energy information for certification by the Secretary that the policies meet the voluntary guidelines issued under subsection (c)(2).

(2) ASSISTANCE.—Subject to the availability of funds under paragraph (3), the Secretary shall make Federal amounts available to any State that has data sharing policies described in paragraph (1) that the Secretary certifies meets the voluntary guidelines issued under subsection (c)(2) to assist the State in implementing section 362(d)(17) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)(17)).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 2015, to remain available until expended.

SEC. 4_____. OFFSET.

Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon at the end; and

(2) by striking paragraph (4) and inserting the following:

''(4) $200,000,000 for each of fiscal years 2013 and 2014;

''(5) $145,000,000 for fiscal year 2015; and

''(6) $100,000,000 for each of fiscal years 2016 through 2018.''.

SA 1949. Mr. BROWN (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 3___. INCREASING WATER EFFICIENCY IN FEDERAL BUILDINGS.

(a) DEFINITIONS.—In this section:

(1) ANSI-ACCREDITED PLUMBING CODE.—The term ''ANSI-accredited plumbing code'' means a construction code for a plumbing system of a building that meets applicable codes established by the American National Standards Institute.

(2) ANSI-AUDITED DESIGNATOR.—The term ''ANSI-audited designator'' means an accredited developer that is recognized by the American National Standards Institute.

(3) GREEN PLUMBERS USA TRAINING PROGRAM.—The term ''Green Plumbers USA training program'' means the training and certification program teaching sustainability and water-savings practices that is established by the Green Plumbers organization.

(4) HELMETS TO HARDHATS PROGRAM.—The term ''Helmets to Hardhats program'' means the national, nonprofit program that connects National Guard, Reserve, retired, and transitioning active-duty military service members with skilled training and quality career opportunities in the construction industry.

(5) PLUMBING EFFICIENCY RESEARCH COALITION.—The term ''Plumbing Efficiency Research Coalition'' means the industry coalition comprised of plumbing manufacturers, code developers, plumbing engineers, and water efficiency experts established to advance plumbing research initiatives that support the development of water efficiency and sustainable plumbing products, systems, and practices.

(b) WATER EFFICIENCY STANDARDS.—The Secretary shall work with ANSI-audited designators to promote the implementation and use in the construction of Federal building of plumbing products, systems, and practices that meet standards and codes that achieve the highest level of water efficiency and conservation practicable consistent with construction budgets and the goals of Executive Order 13514 (42 U.S.C. 4321 note; relating to Federal leadership in environmental, energy, and economic performance), including —

(1) the most recent version of the ANSI-accredited plumbing code; and

(2) if no ANSI-accredited plumbing code exists, alternative plumbing standards and codes established by the Secretary.

(c) TRAINING PROGRAMS.—The Secretary shall work with nationally recognized plumbing training programs that meet applicable plumbing licensing requirements to provide competency training for individuals who install and repair plumbing systems in Federal and other buildings, including—

(1) the Helmets to Hardhats training program; and

(2) the Green Plumbers USA training program.

(d) WATER EFFICIENCY RESEARCH.—The Secretary shall promote plumbing research that increases water efficiency and conservation in plumbing products, systems, and practices used in Federal and other buildings and reduces the unintended consequences of reduced flows in the building drains and water supply systems of the United States, which may include working with the Andrew W. Breidenbach Environmental Research Center and the Plumbing Efficiency Research Coalition—

(1) to provide and exchange experts to conduct water efficiency and conservation plumbing-related studies;

(2) to assist in creating public awareness of reports of the Plumbing Efficiency Research Coalition; and

(3) to provide financial assistance if applicable and available.

SA 1950. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 3___. ALTERNATIVE FUEL INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL.—The term ''alternative fuel'' has the meaning given the term in section 400AA(g) of the Energy Policy and Conservation Act (42 U.S.C. 6374(g)).

(2) ALTERNATIVE FUEL INFRASTRUCTURE.—The term ''alternative fuel infrastructure'' means any ancillary equipment necessary to provide alternative fuel to vehicles.

(3) COVERED INDIVIDUAL.—The term ''covered individual'' means—

(A) any employee (as defined in section 2105 of title 5, United States Code); or

(B) any other individual who performs services for or on behalf of a Federal agency under a contract or subcontract with a Federal agency.

(4) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code.

(b) AUTHORITY.—

(1) IN GENERAL.—The head of a Federal agency may—

(A) construct, operate, and maintain alternative fuel infrastructure on a reimbursable basis in parking areas under the jurisdiction of the Federal agency; and

(B) provide alternative fuel on a reimbursable basis in parking areas under the jurisdiction of the Federal agency for use by privately owned vehicles used by covered individuals.

(2) VENDORS AUTHORIZED.—In carrying out paragraph (1), the head of a Federal agency may use 1 or more vendors on a commission basis.

(c) FEES.—The head of a Federal agency shall charge fees for alternative fuel provided to covered individuals sufficient to cover the costs to the head of the Federal agency of carrying out this section, including the costs of any vendors or other costs associated with maintaining the alternative fuel infrastructure.

(d) DEPOSIT AND AVAILABILITY OF FEES AND COMMISSIONS.—Any fees or commissions collected by the head of a Federal agency under this section—

(1) shall be—

(A) deposited into the account of the Treasury from which the amounts were made available to carry out this section; and

(B) transferred from the Treasury to an appropriate account of the agency if the agency operates with a budget outside of the Treasury; and

(2) shall be available for obligation by the head of the Federal agency without further appropriation during—

(A) the fiscal year collected; and

(B) the fiscal year following the fiscal year collected.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal year, the head of each Federal agency participating in the activities authorized by subsection (b) shall submit to the Administrator of General Services a report on the financial administration and cost recovery of activities carried out under this section with respect to that fiscal year.

(2) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act and every 3 years thereafter, the Administrator of General Services, in consultation with the Secretary, shall submit to the appropriate committees of Congress, including the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report that—

(A) aggregates the information provided by the heads of Federal agencies in the annual reports under paragraph (1); and

(B) provides information on whether the fees collected under subsection (c) are sufficient to cover the cost to the head of a Federal agency of carrying out this section.

SA 1951. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 401 and insert the following:

SEC. 4___. COMMUNITY ENERGY PROGRAM.

Part D of title III of the Energy Policy and Conservation Act is amended by inserting after section 364 (42 U.S.C. 6324) the following:

''SEC. 364A. COMMUNITY ENERGY PROGRAM.

''(a) IN GENERAL.—The Secretary, acting in conjunction with State energy offices, shall establish and carry out a community energy program under which the Secretary shall make grants to eligible entities to support community energy systems improvement projects, including projects involving energy assessments, development of energy system improvement strategies, and implementation of those strategies so as to reduce energy usage and increase energy supplied from renewable resources.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be—

''(1) a municipality (including a town or city or other local unit of government); or

''(2) a nonprofit institutional entity (including an institution of higher education, hospital, or school system).

''(c) APPLICATION REQUIREMENTS.—To be eligible to receive a grant under this section, an eligible entity shall—

''(1) provide to the Secretary evidence that the entity has a commitment to improving the energy systems of the entity;

''(2) encourage broad citizen participation in the project carried out with the grant;

''(3) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

''(4) meet such other eligibility criteria as are established by the Secretary.

''(d) TYPES OF GRANTS.—The Secretary shall provide to eligible entities under this section—

''(1) planning and assessment grants to support—

''(A) the assessment of current energy types and uses of the eligible entity;

''(B) the identification of potential alternative energy resources to serve the energy needs of the eligible entity, including energy efficiency measures and renewable energy systems; and

''(C) the development of energy improvement project plans that specify energy efficiency measures to be adopted and renewable energy systems to be installed; and

''(2) implementation project grants to support the implementation of energy system improvements, regardless of whether the eligible entities received planning and assessment grants for the improvements under paragraph (1).

''(e) USE OF GRANTS.—

''(1) PLANNING AND ASSESSMENT GRANTS.—An eligible entity may use a planning and assessment grant provided under subsection (d)(1)—

''(A) to assess energy usage across the eligible entity, including energy used in—

''(i) public and private buildings and facilities;

''(ii) commercial and industrial applications; and

''(iii) transportation; and

''(B) to formulate energy improvement plans that describe specific energy efficiency measures to be adopted and specific renewable energy systems to be installed, including identification of funding sources and implementation processes.

''(2) IMPLEMENTATION PROJECT GRANTS.—An eligible entity may use an implementation grant provided under subsection (d)(2) to implement energy efficiency measures, or install renewable energy systems, in support of energy improvement plans.

''(f) FEDERAL SHARE.—The Federal cost of carrying out a project under this section shall not exceed 50 percent of total project costs.

''(g) ADMINISTRATION.—The Secretary shall establish criteria for program participation and evaluation of proposals for projects to be carried out under this section, including criteria based on—

''(1) energy savings; and

''(2) reductions in oil consumption.

''(h) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—To assist eligible entities in carrying out projects under this section, the Secretary may—

''(A) provide training and technical assistance and support to entities that receive grants under this section; and

''(B) support regional conferences to enable entities to share information on energy assessment, planning, and implementation activities.

''(2) EVALUATION PROGRAM.—In carrying out this section, the Secretary shall develop and support use of an evaluation program that measures and evaluates the energy and economic impacts of projects carried out under this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $10,000,000 for fiscal year 2014; and

''(2) $20,000,000 for each of fiscal years 2015 through 2018.''.

SEC. 4____. OFFSET.

Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon at the end; and

(2) by striking paragraph (4) and inserting the following:

''(4) $200,000,000 for fiscal year 2013;

''(5) $190,000,000 for fiscal year 2014;

''(6) $130,000,000 for fiscal year 2015; and

''(7) $80,000,000 for each of fiscal years 2016 through 2018.''.

SA 1952. Mr. WARNER (for himself, Mr. MANCHIN, Mr. TESTER, and Mr. SCHATZ) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

Subtitle B—State Energy Race to the Top Initiative

SEC. 411. SHORT TITLE.

This subtitle may be cited as the ''State Energy Race to the Top Initiative Act of 2013''.

SEC. 412. PURPOSE.

The purpose of this subtitle is to assist energy policy innovation in the States to promote the goal of doubling electric and thermal energy productivity by January 1, 2030.

SEC. 413. DEFINITIONS.

In this subtitle:

(1) ENERGY PRODUCTIVITY.—The term ''energy productivity'' means, in the case of a State or Indian tribe, the gross State or tribal product per British thermal unit of energy consumed in the State or tribal land of the Indian tribe, respectively.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) STATE.—The term ''State'' has the meaning given the term in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202).

SEC. 414. PHASE 1: INITIAL ALLOCATION OF GRANTS TO STATES.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue an invitation to States to submit plans to participate in an electric and thermal energy productivity challenge in accordance with this section.

(b) GRANTS.—

(1) IN GENERAL.—Subject to section 417, the Secretary shall use funds made available under section 418(b)(1) to provide an initial allocation of grants to not more than 25 States.

(2) AMOUNT.—The amount of a grant provided to a State under this section shall be not less than $500,000 nor more than $1,750,000.

(c) SUBMISSION OF PLANS.—To receive a grant under this section, not later than 90 days after the date of issuance of the invitation under subsection (a), a State (in consultation with energy utilities, regulatory bodies, and others) shall submit to the Secretary an application to receive the grant by submitting a revised State energy conservation plan under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322).

(d) DECISION BY SECRETARY.—

(1) BASIS.—The Secretary shall base the decision of the Secretary on an application submitted under this section on—

(A) plans for improvement in electric and thermal energy productivity consistent with this subtitle; and

(B) other factors determined appropriate by the Secretary, including geographic diversity.

(2) RANKING.—The Secretary shall—

(A) rank revised plans submitted under this section in order of the greatest to least likely contribution to improving energy productivity in the State; and

(B) provide grants under this section in accordance with the ranking and the scale and scope of a plan.

(e) PLAN REQUIREMENTS.—A plan submitted under subsection (c) shall provide—

(1) a description of the manner in which—

(A) energy savings will be monitored and verified and energy productivity improvements will be calculated using inflation-adjusted dollars;

(B) a statewide baseline of energy use and potential resources for calendar year 2010 will be established to measure improvements;

(C) the plan will promote achievement of energy savings and demand reduction goals;

(D) public and private sector investments in energy efficiency will be leveraged with available Federal funding; and

(E) the plan will not cause cost-shifting among utility customer classes or negatively impact low-income populations; and

(2) an assurance that—

(A) the State energy office required to submit the plan, the energy utilities in the State participating in the plan, and the State public service commission are cooperating and coordinating programs and activities under this subtitle;

(B) the State is cooperating with local units of government, Indian tribes, and energy utilities to expand programs as appropriate; and

(C) grants provided under this subtitle will be used to supplement and not supplant Federal, State, or ratepayer-funded programs or activities in existence on the date of enactment of this subtitle.

(f) USES.—A State may use grants provided under this section to promote—

(1) the expansion of policies and programs that will advance industrial energy efficiency, waste heat recovery, combined heat and power, and waste heat-to-power utilization;

(2) the expansion of policies and programs that will advance energy efficiency construction and retrofits for public and private commercial buildings (including schools, hospitals, and residential buildings, including multifamily buildings) such as through expanded energy service performance contracts, equivalent utility energy service contracts, zero net-energy buildings, and improved building energy efficiency codes;

(3) the establishment or expansion of incentives in the electric utility sector to enhance demand response and energy efficiency, including consideration of additional incentives to promote the purposes of section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)), such as appropriate, cost-effective policies regarding rate structures, grid improvements, behavior change, combined heat and power and waste heat-to-power incentives, financing of energy efficiency programs, data use incentives, district heating, and regular energy audits; and

(4) leadership by example, in which State activities involving both facilities and vehicle fleets can be a model for other action to promote energy efficiency and can be expanded with Federal grants provided under this subtitle.

SEC. 415. PHASE 2: SUBSEQUENT ALLOCATION OF GRANTS TO STATES.

(a) REPORTS.—Not later than 18 months after the receipt of grants under section 414, each State (in consultation with other parties described in subsection (b)(3)(F) that received grants under section 414 may submit to the Secretary a report that describes—

(1) the performance of the programs and activities carried out with the grants; and

(2) in consultation with other parties described in subsection (b)(3)(F), the manner in which additional funds would be used to carry out programs and activities to promote the purposes of this subtitle.

(b) GRANTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the receipt of the reports required under subsection (a), subject to section 417, the Secretary shall use amounts made available under section 418(b)(2) to provide grants to not more than 6 States to carry out the programs and activities described in subsection (a)(2).

(2) AMOUNT.—The amount of a grant provided to a State under this section shall be not more than $15,000,000.

(3) BASIS.—The Secretary shall base the decision of the Secretary to provide grants under this section on—

(A) the performance of the State in the programs and activities carried out with grants provided under section 414;

(B) the potential of the programs and activities described in subsection (a)(2) to achieve the purposes of this subtitle;

(C) the desirability of maintaining a total project portfolio that is geographically and functionally diverse;

(D) the amount of non-Federal funds that are leveraged as a result of the grants to ensure that Federal dollars are leveraged effectively;

(E) plans for continuation of the improvements after the receipt of grants under this subtitle; and

(F) demonstrated effort by the State to involve diverse groups, including—

(i) investor-owned, cooperative, and public power utilities;

(ii) local governments; and

(iii) nonprofit organizations.

SEC. 416. ALLOCATION OF GRANTS TO INDIAN TRIBES.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall invite Indian tribes to submit plans to participate in an electric and thermal energy productivity challenge in accordance with this section.

(b) SUBMISSION OF PLANS.—To receive a grant under this section, not later than 90 days after the date of issuance of the invitation under subsection (a), an Indian tribe shall submit to the Secretary a plan to increase electric and thermal energy productivity by the Indian tribe.

(c) DECISION BY SECRETARY.—

(1) IN GENERAL.—Not later than 90 days after the submission of plans under subsection (b), the Secretary shall make a final decision on the allocation of grants under this section.

(2) BASIS.—The Secretary shall base the decision of the Secretary under paragraph (1) on—

(A) plans for improvement in electric and thermal energy productivity consistent with this subtitle;

(B) plans for continuation of the improvements after the receipt of grants under this subtitle; and

(C) other factors determined appropriate by the Secretary, including—

(i) geographic diversity; and

(ii) size differences among Indian tribes.

(3) LIMITATION.—An individual Indian tribe shall not receive more than 20 percent of the total amount available to carry out this section.

SEC. 417. ADMINISTRATION.

(a) INDEPENDENT EVALUATION.—To evaluate program performance and effectiveness under this subtitle, the Secretary shall consult with the National Research Council regarding requirements for data and evaluation for recipients of grants under this subtitle.

(b) COORDINATION WITH STATE ENERGY CONSERVATION PROGRAMS.—

(1) IN GENERAL.—Grants to States under this subtitle shall be provided through additional funding to carry out State energy conservation programs under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(2) RELATIONSHIP TO STATE ENERGY CONSERVATION PROGRAMS.—

(A) IN GENERAL.—A grant provided to a State under this subtitle shall be used to supplement (and not supplant) funds provided to the State under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(B) MINIMUM FUNDING.—A grant shall not be provided to a State for a fiscal year under this subtitle if the amount of funding provided to all State grantees under the base formula for the fiscal year under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is less than $50,000,000.

(c) VOLUNTARY PARTICIPATION.—The participation of a State in a challenge established under this subtitle shall be voluntary.

SEC. 418. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $100,000,000 for the period of fiscal years 2014 through 2017.

(b) ALLOCATION.—Of the total amount of funds made available under subsection (a)—

(1) 30 percent shall be used to provide an initial allocation of grants to States under section 414;

(2) 61 percent shall be used to provide a subsequent allocation of grants to States under section 415;

(3) 4 percent shall be used to make grants to Indian tribes under section 416; and

(4) 5 percent shall be available to the Secretary for the cost of administration and technical support to carry out this subtitle.

SEC. 419. OFFSET.

Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) (as amended by section 401) is amended by striking paragraphs (5) and (6) and inserting the following:

''(5) $175,000,000 for fiscal year 2014;

''(6) $125,000,000 for fiscal year 2015;

''(7) $75,000,000 for each of fiscal years 2016 and 2017; and

''(8) $100,000,000 for fiscal year 2018.''.

NOTICE OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, September 18, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to mark-up S. 1086, The Child Care and Development Block Grant Act of 2013, the Committee Funding Resolution for the 113th Congress, the nominations of Richard F. Griffin, Jr., to serve as General Counsel of the National Labor Relations Board, and Scott Dahl, to serve as Inspector General of the US Department of Labor, as well as any additional nominations cleared for action.

For further information regarding this meeting, please contact the Committee at (202) 224–5375.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, September 19, 2013. at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled ''The Triad: Promoting a System of Shared Responsibility. Issues for Reauthorization of the Higher Education Act''

For further information regarding this meeting, please contact the Committee at (202) 224–5501.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, September 24, 2013. at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled ''U.S. Efforts to Reduce Healthcare-Associated Infections''

For further information regarding this meeting, please contact the Committee at (202) 224–7675.

COMMITTEE ON INDIAN AFFAIRS

Ms. CANTWELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on September 18, 2013, in room SD–628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a business meeting to authorize expenditures by the Committee through February of 2015.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, October 1, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the following legislation:

S. 812, a bill to authorize the Secretary of the Interior to take actions to implement the Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico; and,

H.R. 1613, a bill to amend the Outer Continental Shelf Lands Act to provide for the proper Federal management and oversight of transboundary hydrocarbon reservoirs, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify

by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to *Lauren_*Goldschmidt@energy.senate.gov.

For further information, please contact Abigail Campbell at (202) 224–4905 or Lauren Goldschmidt at (202) 224–5488.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on September 17, 2013, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on September 17, 2013.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 17, 2013.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 17, 2013, at 2:15 pm.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 17, 2013, at 2:45 p.m., to hold a briefing entitled, ''Update on Syria''.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 17, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WYDEN. Mr. President, I ask unanimous consent that Larcus Pickett, a fellow in our office, be granted the privilege of the floor for the duration of consideration of S. 1392.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. KING. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 335; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF JUSTICE

Kenneth Allen Polite, Jr., of Louisiana, to be United States Attorney for the Eastern District of Louisiana for the term of four years.

Mr. KING. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 336 and 337; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Jon T. Rymer, of Tennessee, to be Inspector General, Department of Defense.

DEPARTMENT OF STATE

Steve A. Linick, of Virginia, to be Inspector General, Department of State.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MEASURES READ THE FIRST TIME—S. 1513, S. 1514, H.R. 2009, AND H.R. 2775

Mr. KING. Madam President, I understand that there are four bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title for the first time.

The legislative clerk read as follows:

A bill (S. 1513) to amend the Helium Act to complete the privatization of the Federal helium reserve in a competitive market fashion that ensures stability in the helium markets while protecting the interests of American taxpayers, and for other purposes.

A bill (S. 1514) to save coal jobs, and for other purposes.

A bill (H.R. 2009) to prohibit the Secretary of the Treasury from enforcing the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010.

A bill (H.R. 2775) to condition the provision of premium and cost-sharing subsidies under the Patient Protection and Affordable Care Act upon a certification that a program to verify household income and other qualifications for such subsidies is operational, and for other purposes.

Mr. KING. Madam President, I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be read for the second time on the next legislative day.

APPOINTMENT

THE PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 106–567, appoints the following individual to serve as a member of the Public Interest Declassification Board: Kenneth L. Wainstein of Virginia.

ORDERS FOR WEDNESDAY, SEPTEMBER 18, 2013

Mr. KING. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, September 18, 2013; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business the Senate resume consideration of S. 1392, the Energy Savings and Industrial Competitiveness Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. KING. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Wednesday, September 18, 2013, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

CORPORATION FOR PUBLIC BROADCASTING

DAVID J. ARROYO, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2016, VICE ELIZABETH COURTNEY, TERM EXPIRED.

DEPARTMENT OF STATE

CYNTHIA H. AKUETTEH, OF THE DISTRICT OF COLUMBIAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE GABONESE REPUBLIC, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE DEMOCRATIC REPUBLIC OF SAN TOME AND PRINCIPE.

ERIC T. SCHULTZ, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

CAMILLA C. FEIBELMAN, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION FOR A TERM EXPIRING APRIL 15, 2017, VICE STEPHEN M. PRESCOTT, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. JILL J. NELSON

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DAVID G. PERKINS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT B. BROWN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ROBERT L. WALTER, JR.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

BRIAN J. HOOD

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

JOHN P. SCHUMACHER

To be major

SCOTT T. JENSEN
PAUL A. PARDON
PAUL C. ROBINSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

SCOTT P. IRWIN
RODNEY C. WADLEY

To be major

ANGELA M. FAGIANA
DAVE C. PRAKASH

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RICHARD L. PIONTKOWSKI

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

SARY O. BEIDAS
GERRY R. GERRY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BENJAMIN P. DONHAM

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ANTHONY P. CLARK
JOHN J. DRISCOLL
MICHAEL FERRIS
GILBERTO HERNANDEZ III
WILLIAM J. OBRIEN, JR.
KAREN L. RYAN

CONFIRMATIONS

Executive nominations confirmed by the Senate September 17, 2013:

THE JUDICIARY

PATRICIA E. CAMPBELL-SMITH, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

ELAINE D. KAPLAN, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

DEPARTMENT OF JUSTICE

KENNETH ALLEN POLITE, JR., OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF DEFENSE

JON T. RYMER, OF TENNESSEE, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE.

DEPARTMENT OF STATE

STEVE A. LINICK, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF STATE.